

## **Chapter IV**

### **VOTING**

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## INTRODUCTORY NOTE

This chapter contains the material from the Official Records of the public meetings relating to the practice of the Council in connexion with Article 27 of the Charter. Part I presents evidence relating to the distinction between procedural and non-procedural matters. Part II is concerned with the practice of the Council regarding voting upon the question whether the matter is procedural within the meaning of Article 27 (2). Part III is concerned with the abstention or absence of a permanent member in relation to the requirements of Article 27 (3).

Discussion has arisen in the Council on the question of voting procedure at the 197th meeting on 27 August 1947, in connexion with General Assembly resolution 40 (I) of 13 December 1946; at the 224th meeting on

19 December 1947, in connexion with General Assembly resolution 117 (II) of 21 November 1947; and at the 452nd meeting on 18 October 1949, after the adoption by the General Assembly of resolution 267 (III) of 14 April 1949. These resolutions, though duly communicated to the Security Council,<sup>1</sup> are not reproduced in view of their availability in the Official Records of the General Assembly.<sup>2</sup>

Certain questions of procedure in connexion with voting are dealt with in chapter I, part VI. Material relating to voting on rulings by the President is inserted in chapter I, part V, and material relating to voting in connexion with the election of judges under Article 10 of the Statute of the International Court of Justice in chapter VI, part I, section D.

### Article 27 of the Charter

1. Each member of the Security Council shall have one vote.
2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.
3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members including the concurring votes of the permanent members; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.

<sup>1</sup>S/237; S/620, 224th meeting: p. 2792; S/1312.

<sup>2</sup>No. 40 (I), *G.A.O.R., 1st session, 2nd part, Resolutions*, p. 64.

No. 117 (II), *G.A.O.R., 2nd session, Resolutions*, p. 23.

No. 267 (III), *G.A.O.R., 3rd session, 2nd part, Resolutions*, p. 7.

### Part I

#### PROCEDURAL AND NON-PROCEDURAL MATTERS

##### NOTE

1. Part I is divided in two sections. In section A, cases are given in which the vote indicated the procedural character of the matter which was then under consideration. In section B are given cases in which the vote indicated the non-procedural character of the matter then under consideration.<sup>1</sup> In each case, the main argumentation on the procedural or non-procedural character of the matter is included, and in the footnotes references are given to the texts of all relevant statements.

2. The record of voting may be conclusive in two ways:

(a) Whether the matter was deemed procedural or non-procedural was clearly established in those instances where a proposal obtained seven or more votes, with one or more permanent members casting a negative vote. Adoption by the Council in such circumstances indicates the procedural character of the matter; rejection by the Council in such circumstances indicates the non-procedural character of the matter.

(b) When the Council has decided by vote that a matter is procedural or non-procedural (Cases 30, 40, 48, 49 and 55).

3. There have also been occasions on which the pro-

cedural or non-procedural character of the matter has been considered without a conclusive vote in the sense indicated. The discussion on such occasions is referred to at the relevant points in footnotes or in the text of parts II and III.<sup>2</sup>

4. The majority of occasions on which the Council has voted afford no indication as to the attitude of the Council regarding the procedural or non-procedural character of the matter voted upon. Where a decision has been arrived at by a unanimous vote, or with all permanent members voting in favour of the proposal, the matter so voted upon may have been procedural or it may have been non-procedural; but no indication of the view of the Council as to the procedural or non-procedural nature of the matter can be obtained from the vote in such a case. Nor can any indication be obtained from the cases where the proposal, having been put to the vote, has failed to obtain seven votes in its favour.

5. For convenience of reference, cases involving decisions on procedural matters have been grouped under headings derived from the subject matter dealt with in these decisions. The matters entered as procedural are, however, only the particular matters which were the subject of the vote on the occasions indicated. The

<sup>1</sup>Consideration of the procedural or non-procedural nature of "the preliminary question" is dealt with in part II.

<sup>2</sup>See Cases 96, 105, 116, 117, 118, 200; footnotes 16, 20, 60 of part I, and footnotes 17, 40, 88, 100 of part III.

headings do not constitute general propositions as to the procedural character of future proposals which may be deemed to fall under them.

6. As regards non-procedural matters, cases in which matters considered by the Council under its responsibility for the maintenance of international peace and security have been established as non-procedural are first set out in chronological order. These are followed by cases in which matters have been established as non-procedural in connexion with two other questions: namely, the admission of new Members to the United Nations, and Reports of the Atomic Energy Commission and the Commission for Conventional Armaments.

In those cases in which the procedural or non-procedural character of the draft resolution or proposal voted upon has been the subject of discussion, a brief summary of the content of the draft resolution or proposal is given, followed by an indication of the views expressed and a record of the vote. Where no discussion occurred regarding the procedural or non-procedural character of the decision, the entry is restricted to a reference by means of which the draft resolution or proposal and the vote thereon may be identified in the record of decisions in chapters VII-IX.

#### A. CASES IN WHICH THE VOTE INDICATED THE PROCEDURAL CHARACTER OF THE MATTER

##### 1. Inclusions of items in the agenda

###### CASES 1-10

On the following occasions items have been included in the agenda by vote of the Security Council, notwithstanding the negative vote of a permanent member:

###### Case 1

At the 59th meeting on 3 September 1946—the Ukrainian complaint against Greece;<sup>3</sup>

###### Case 2

At the 143rd meeting on 20 June 1947—the appointment of a Governor for the Free Territory of Trieste;<sup>4</sup>

###### Case 3

At the 224th meeting on 19 December 1947—the problem of voting in the Security Council;<sup>5</sup>

###### Case 4

At the 268th meeting on 17 March 1948—the Czechoslovak question;<sup>6</sup>

###### Case 5

At the 427th meeting on 16 June 1949—the admission of new Members to the United Nations;<sup>7</sup>

###### Case 6

At the 482nd meeting on 3 August 1950, 502nd meeting on 18 September 1950 and 519th meeting on 8

November 1950—the complaint of aggression upon the Republic of Korea;<sup>8</sup>

###### Case 7

At the 492nd meeting on 29 August 1950—the complaint of armed invasion of Taiwan (Formosa);<sup>9</sup>

###### Case 8

At the 493rd meeting on 31 August 1950—the complaint of bombing by air forces of the territory of China;<sup>10</sup>

###### Case 9

At the 559th meeting on 1 October 1951—the Anglo-Iranian Oil Company Case;<sup>11</sup>

###### Case 10

At the 568th meeting on 18 December 1951—the application of Italy for membership in the United Nations.<sup>12</sup>

## 2. Order of items on the agenda

### CASES 11 and 12

On the following occasions proposals relating to the order of items on the agenda were adopted by vote of the Security Council, notwithstanding the negative vote of a permanent member:

###### Case 11

At the 482nd meeting on 3 August 1950, when the proposal of the representative of the United States to place the complaint of aggression upon the Republic of Korea second on the provisional agenda was adopted.<sup>13</sup>

###### Case 12

At the 497th meeting on 7 September 1950, when the proposal of the representative of the United States to consider item 4 of the provisional agenda, "Complaint of bombing by air forces of the territory of China", before item 3, "Complaint of armed invasion of Taiwan (Formosa)" was adopted.<sup>14</sup>

## 3. Deferment of consideration of items on the agenda<sup>15</sup>

### CASES 13-15

On the following occasions the consideration of items on the agenda was deferred by vote of the Security Council, notwithstanding the negative vote of a permanent member.<sup>16</sup>

<sup>3</sup> 492nd meeting: p. 12.

<sup>4</sup> 493rd meeting: p. 30.

<sup>5</sup> 559th meeting: p. 10.

<sup>6</sup> 568th meeting: p. 16.

<sup>7</sup> 482nd meeting: pp. 19-20.

<sup>8</sup> 497th meeting: p. 26.

<sup>9</sup> For the decision to consider deferment of voting on applications for membership as a non-procedural matter, see Cases 55, 83 and 95.

<sup>10</sup> At the 18th meeting on 13 February 1945, the President (Australia) indicated that a motion to defer disposition of the application of Albania for admission to the United Nations was a procedural matter. The motion was declared adopted after seven members had voted in favour. 18th meeting: pp. 268, 270.

<sup>3</sup> 59th meeting: p. 197.

<sup>4</sup> 143rd meeting: p. 1052.

<sup>5</sup> 224th meeting: p. 2796.

<sup>6</sup> 268th meeting: pp. 101-102.

<sup>7</sup> 427th meeting: p. 10.

<sup>8</sup> 482nd meeting: p. 20; 502nd meeting: p. 14; 519th meeting: p. 6.

*Case 13*

At the 95th meeting on 20 January 1947, in connexion with the general regulation and reduction of armaments and information on armed forces of the United Nations, when the draft resolution submitted by the representative of the United States to defer further consideration of these items of the agenda until 4 February 1947 was adopted.<sup>17</sup>

*Case 14*

At the 506th meeting on 29 September 1950, in connexion with the complaint of armed invasion of Taiwan (Formosa), when the draft resolution submitted by the representative of Ecuador to defer consideration of the item until the first meeting of the Council to be held after 15 November 1950 was adopted.<sup>18</sup>

*Case 15*

At the 565th meeting on 19 October 1951, in connexion with the Anglo-Iranian Oil Company case, when the motion of the representative of France to adjourn debate on the matter until the International Court of Justice had ruled on its own competence was adopted.<sup>19</sup>

#### 4. Removal of an item from the list of matters of which the Security Council is seized

## CASE 16

On the following occasion an item was removed from the list of matters of which the Council is seized by vote of the Security Council, notwithstanding the negative vote of a permanent member:

At the 202nd meeting on 15 September 1947, when the United States draft resolution to remove the Greek frontier incidents question from the list of matters of which the Council was seized was adopted.<sup>20</sup>

#### 5. Rulings of the President of the Security Council

CASES 17 and 18<sup>21</sup>

On the following occasions rulings of the President were challenged and put to the vote, and either upheld or overruled, notwithstanding the negative vote of a permanent member.

*Case 17*

At the 459th meeting on 10 January 1950, the President (China) ruled that a USSR draft resolution concerning the representation of China would be circulated and considered at a later meeting. The ruling was challenged and put to the vote as a proposal to uphold the ruling. The President's ruling was upheld notwithstanding the negative vote of a permanent member.

*Case 18*

At the 480th meeting on 1 August 1950, in connexion with the complaint of aggression upon the

<sup>17</sup> 95th meeting: p. 123.

<sup>18</sup> S/1823/Corr.1, 506th meeting: pp. 3-5. See also Case 86.

<sup>19</sup> 565th meeting: p. 12.

<sup>20</sup> 202nd meeting: p. 2405. See also Case 40. For the discussion regarding the removal of the Ukrainian complaint against Greece from the agenda, see 70th meeting: pp. 419-420.

<sup>21</sup> For rulings on the question whether the matter was procedural, see Cases 100-106. For case 17, see 459th meeting, pp. 3-4.

Republic of Korea, the President (USSR) ruled that the representative of China present at that meeting could not take part. The ruling was challenged and put to the vote as a proposal to overrule. The President's ruling was overruled notwithstanding the negative vote of a permanent member.<sup>22</sup>

#### 6. Adjournment of a meeting

## CASES 19-22

On the following occasions, motions to adjourn were adopted by vote of the Security Council, notwithstanding the negative vote of a permanent member.

*Case 19*

At the 484th meeting on 8 August 1950.<sup>23</sup>

*Case 20*

At the 501st meeting on 12 September 1950.<sup>24</sup>

*Case 21*

At the 503rd meeting on 26 September 1950.<sup>25</sup>

*Case 22*

At the 507th meeting on 29 September 1950.<sup>26</sup>

#### 7. Invitation to participate in the proceedings

## CASES 23-31

On the following occasions invitations to participate in the proceedings were extended to non-members by vote of the Security Council, notwithstanding the negative vote of a permanent member.

*Case 23*

At the 50th meeting on 10 July 1946, in connexion with the first report of the Atomic Energy Commission, the representative of Australia submitted a proposal to invite Canada to participate in the proceedings. The request of the representative of the USSR that the vote on the proposal be delayed was denied and the proposal was put to the vote. There were 9 votes in favour, 1 against (the vote against being that of a permanent member) and 1 abstention.<sup>27</sup>

The representative of the USSR thereupon stated:

"... an invitation to participate in a meeting of the Security Council, even without a decisive vote, is undoubtedly not a question of procedure but one of substance. For this reason, the results of the voting show that this question was not decided today in the affirmative but in the negative."

The President (Mexico) declared:

"I consider it a question of procedure under the Charter, and so I invite the representative of Canada to take his place at the Council table."

After the representative of Canada took his place at the Council table, the representative of the USSR reiterated his contention that "invitations to participate in the meetings of the Security Council are not pro-

<sup>22</sup> 480th meeting: p. 9.

<sup>23</sup> 484th meeting: p. 21.

<sup>24</sup> 501st meeting: pp. 29-30.

<sup>25</sup> 503rd meeting: p. 34.

<sup>26</sup> 507th meeting: pp. 15-16.

<sup>27</sup> 50th meeting: p. 4.

cedural ones but questions of substance". The representative of the United Kingdom stated:

"The point before us is whether the representative of a State directly interested in the work which we have before us should come to the Council table under Article 31 of the Charter. If you look at the Charter you will find there is a section of it, headed 'Procedure', which contains Articles 28 to 32, inclusive, and therefore, even in the Charter itself, it is explicitly stated that this is a matter of procedure."

The representative of Australia observed that section 1, paragraph 2, of the San Francisco Statement on Voting Procedure<sup>28</sup> contained the following reference:

"... the Council will, by a vote of any seven of its members... invite a Member of the Organization not represented on the Council to participate in its discussions when that Member's interests are specially affected;..."

The President maintained that the proposal had been adopted and that if his ruling was challenged he would put the challenge to the vote. The representative of the USSR elaborated on the questions which had to be considered before deciding to invite a non-Member under Article 31. He reserved "the right to revert to this question at the appropriate time".<sup>29</sup>

#### Case 24

At the 64th meeting on 9 September 1946, in connexion with the Ukrainian complaint against Greece, when the Council invited the representative of Albania to the table for the purpose of making a factual statement.<sup>30</sup>

#### Case 25

At the 82nd meeting on 10 December 1946, in connexion with the Greek frontier incidents question, when the Council adopted the third paragraph of the Netherlands draft resolution to invite the representatives of Albania and Bulgaria to participate in the discussion should the question be considered a dispute.<sup>31</sup>

#### Case 26

At the 181st meeting on 12 August 1947, in connexion with the Indonesian question (II), when the Council invited the representative of the Republic of Indonesia to participate in the discussion. Negative votes were cast by the two permanent members.<sup>32</sup>

#### Case 27

At the 268th meeting on 17 March 1948, in connexion with the Czechoslovak question, when the Council invited the representative of Chile to participate in the discussion.<sup>33</sup>

#### Cases 28-29

At the 272nd and 300th meetings on 22 March and 21 May 1948, in connexion with the Czechoslovak

question, when the Council invited Dr. Papanek to participate and give information.<sup>34</sup>

#### Case 30

At the 506th meeting on 29 September 1950, in connexion with the complaint of armed invasion of Taiwan (Formosa), when the Council invited a representative of the People's Republic of China to attend the meetings during consideration of the item.<sup>35</sup>

The representative of China contended that the question was non-procedural. Referring to the proviso of the San Francisco Statement on Voting Procedure to the effect that an invitation to parties to a dispute was a procedural matter, he stated:

"The San Francisco Declaration refers to the invitation of someone who is not a member of the Council; China is a member of the Council."

The representative of India observed that, since the invitation was to be issued under rule 39 of the rules of procedure, which were adopted under Article 30 of Chapter V (Procedure) of the Charter, the matter was "doubly procedural". The representatives of the USSR and the United States were of the opinion that the matter was procedural.<sup>36</sup> At the request of the representative of China the Council voted upon the question whether the Ecuadorean draft resolution was a procedural matter.<sup>37</sup> The representative of China maintained that the ruling of the President (United Kingdom), that the Council had decided to consider the matter procedural, was illegal.

#### Case 31

At the 520th meeting on 8 November 1950, in connexion with the complaint of aggression upon the Republic of Korea, when the Council invited a representative of the People's Republic of China to participate in the discussion concerning the special report of the United Nations Command.<sup>38</sup>

### 8. Conduct of business

#### CASES 32-37

On the following occasions proposals with regard to the conduct of business were adopted by vote of the Security Council, notwithstanding the negative vote of a permanent member:

#### Case 32

At the 49th meeting on 26 June 1946, in connexion with the Spanish question, when the Council decided to consider the draft resolution submitted by the representatives of Australia and the United Kingdom as an amendment to the Polish draft resolution.<sup>39</sup>

#### Case 33

At the 57th meeting on 29 August 1946, in connexion with the admission of new Members to the

<sup>28</sup> "Statement by the Delegations of the Four Sponsoring Governments on Voting Procedure in the Security Council", *United Nations Conference on International Organization, Documents*, volume 11, pp. 711-714 (hereinafter referred to as the San Francisco Statement on Voting Procedure).

<sup>29</sup> For texts of relevant statements see:

<sup>30</sup> 50th meeting: President (Mexico), p. 4; Australia, p. 5; USSR, pp. 4, 6-7; United Kingdom, p. 5.

<sup>31</sup> 64th meeting: pp. 266-267.

<sup>32</sup> 82nd meeting: pp. 558-559.

<sup>33</sup> 181st meeting: p. 1940.

<sup>34</sup> 268th meeting: p. 102.

<sup>34</sup> 272nd meeting: p. 175; 300th meeting: p. 20.

<sup>35</sup> S/1823/Corr.1, 506th meeting: pp. 3-5.

<sup>36</sup> For texts of relevant statements see:

<sup>37</sup> 505th meeting: China, pp. 18-19; USSR, pp. 17-18.

<sup>38</sup> 506th meeting: India, p. 8; United States, pp. 12-13.

<sup>39</sup> For the vote on whether the matter was procedural, see Cases 86 and 99.

<sup>36</sup> 520th meeting: p. 8.

<sup>38</sup> 49th meeting: p. 413.

United Nations, when the Council decided to vote first on the United States motion to postpone voting on the applications of Albania and the Mongolian People's Republic.<sup>40</sup>

*Case 34*

At the 206th meeting on 1 October 1947, in connexion with the admission of new Members to the United Nations, when the Council decided to take a separate vote upon each application for membership.<sup>41</sup>

*Case 35*

At the 444th meeting on 15 September 1949, in connexion with the admission of new Members to the United Nations, when the Council decided to take a separate vote upon each application for membership.<sup>42</sup>

*Case 36*

At the 497th meeting on 7 September 1950, in connexion with the complaint of bombing by air forces of the territory of China, when the Council decided to consider first a USSR draft resolution concerning the representation of the People's Republic of China.<sup>43</sup>

*Case 37*

At the 567th meeting on 6 December 1951, in connexion with the election of members of the International Court of Justice, when the Security Council decided to take a second ballot.<sup>44</sup>

**B. CASES IN WHICH THE VOTE INDICATED THE NON-PROCEDURAL CHARACTER OF THE MATTER**

**1. In connexion with matters considered by the Security Council under its responsibility for the maintenance of international peace and security**

*CASE 38*

At the 22nd meeting on 16 February 1946, in connexion with the Syrian and Lebanese question, the representative of the United States submitted a draft resolution<sup>45</sup> to express "confidence that the foreign troops in Syria and Lebanon will be withdrawn as soon as practicable, and that negotiations to that end will be undertaken by the parties without delay", and to request the parties to inform the Council of the results of the negotiations.

**Decision:** *The United States draft resolution was put to the vote at the 23rd meeting on 16 February 1946. Seven votes were cast in favour. The President (Australia) declared:*<sup>46</sup> "It is therefore carried."

The representative of the USSR stated:

"I think a mistake has been made. Paragraph 3 of Article 27 lays down that 'decisions of the Security Council on all other matters' (that includes this matter) 'shall be made by an affirmative vote of seven members including the concurring votes of the permanent members'. I did not vote in favour of this proposal, I voted against it."

<sup>40</sup> 57th meeting: p. 129.

<sup>41</sup> 206th meeting: p. 2475.

<sup>42</sup> 444th meeting: p. 25.

<sup>43</sup> 497th meeting: p. 29.

<sup>44</sup> 567th meeting: pp. 16-17.

<sup>45</sup> 22nd meeting: pp. 332, 333.

<sup>46</sup> For texts of relevant statements see:

23rd meeting: President (Australia), pp. 367, 368; France, p. 368; United Kingdom, p. 368; USSR, p. 367.

After the representatives of France and the United Kingdom had concurred in the interpretation of the vote offered by the representative of the USSR, the President declared it to be the consensus of opinion that "the motion was not carried".<sup>47</sup>

*CASE 39*

At the 45th and 47th meetings on 13 and 18 June 1946, in connexion with the Spanish question, the Chairman of the Sub-Committee on the Spanish question (Australia), on behalf of the members of the Sub-Committee, submitted a draft resolution:<sup>48</sup>

(a) To endorse the three-Power declaration of 4 March 1946;

(b) To transmit documentation to the General Assembly, together with the recommendation that, unless conditions of political freedom were established and the Franco régime withdrawn, the Assembly recommend that Member States sever their diplomatic relations with Franco Spain;

(c) To direct the Secretary-General to communicate the recommendations to all Members and others concerned.

The draft resolution was voted upon paragraph by paragraph.

**Decision: Paragraph (a)**

*Paragraph (a) was not adopted. There were 10 votes in favour and one against (the vote against being that of a permanent member).*<sup>49</sup>

Before paragraph (b) was put to the vote, the representative of the United Kingdom explained that he would vote in favour of this part of the draft resolution because his Government would not wish to go against the will of the overwhelming majority. He stated that he was casting a vote against the defiance of the majority rather than in support of the draft resolution.

*Paragraph (b)*

*Paragraph (b) was not adopted. There were 9 votes in favour, one against (the vote against being that of a permanent member), and one abstention.*<sup>50</sup>

*Paragraph (c)*

*Paragraph (c) was not adopted. There were 9 votes in favour, one against (the vote against being that of a permanent member), and one abstention.*<sup>51</sup>

*A vote was then taken on the draft resolution as a whole. There were 9 votes in favour, one against (the vote against being that of a permanent member) and one abstention.*<sup>52</sup>

The President (Mexico) declared:

"The three recommendations of the Sub-Committee are adopted but, as one of the permanent members has cast a negative vote, the resolution is not carried."

The representative of the USSR stated:

"To say that the resolution is adopted and cannot be carried is incorrect. It is not adopted."

<sup>47</sup> 23rd meeting: p. 368.

<sup>48</sup> 45th meeting: p. 326. See chapter X, Case 22.

<sup>49</sup> 47th meeting: p. 378.

<sup>50</sup> 47th meeting: p. 379.

<sup>51</sup> 47th meeting: p. 379.

<sup>52</sup> 47th meeting: p. 379.

The President (Mexico) replied:<sup>53</sup>

"I do not want to discuss the matter... The majority of the Council adopted the resolution; it cannot be carried, however, on account of the USSR veto."

#### CASE 40

At the 49th meeting on 26 June 1946, in connexion with the Spanish question, the representatives of Australia and the United Kingdom, for the majority of a drafting committee, submitted a draft resolution the preamble of which recalled the conclusions of the Subcommittee on the Spanish question, and which sought to keep the situation in Spain under continuous observation and to maintain it on the list of matters of which the Council was seized without prejudice to the rights of the General Assembly under the Charter.<sup>54</sup> The draft resolution was voted upon as an amendment to the Polish draft resolution which was pending.

**Decision:** *There were 9 votes in favour and 2 against (one vote against being that of a permanent member). The President (Mexico) declared that the resolution had been adopted.*<sup>55</sup>

The representative of the USSR objected to the President's interpretation of the vote, contending that the amendment combined procedural and non-procedural matters. While agreeing to a separate procedural vote on the question of retaining the item on the agenda, the representative of the USSR observed:

"... first, the statement that the situation in Spain is one that is merely likely to endanger peace in the future... is of a non-procedural character..."

"Secondly, the beginning of the last paragraph contains the statement that the retention of the Spanish question on the agenda of the Security Council does not affect the rights of the General Assembly to examine this question... this statement is interpreted to mean that the General Assembly may examine the Spanish question and take action whether or not that question is sent to the General Assembly by the Security Council..."

The representative of Australia supported the interpretation of the President. He stated:<sup>56</sup>

"All the preliminary statements leading up to the operative part of the resolution are merely recitals, and then comes the operative part which keeps the situation in Spain on the list of matters before the Council. There can be no better illustration of a procedural question."

At the request of the representatives of Australia and the USSR, the Council voted upon the nature of the matter and decided that the draft resolution was non-procedural.<sup>57</sup> The draft resolution submitted by the representatives of Australia and the United Kingdom therefore was not adopted (one vote against being that of a permanent member).

<sup>53</sup> For texts of relevant statements see: 47th meeting: President (Mexico), pp. 379, 380; United Kingdom, p. 379; USSR, p. 380.

<sup>54</sup> 49th meeting: p. 401.

<sup>55</sup> 49th meeting: p. 413.

<sup>56</sup> For texts of relevant statements see:

49th meeting: President (Mexico), p. 414; Australia, pp. 415-416; France, p. 422; Netherlands, pp. 414-415; USSR, pp. 413-414, 417, 423-424.

<sup>57</sup> For the vote on whether the matter was procedural, see Cases 82 and 94.

#### CASE 41

**Decision** of 26 June 1946 (49th meeting): *Rejection of draft resolution submitted by the representative of Australia in connexion with the Spanish question.*<sup>58</sup>

#### CASE 42

At the 70th meeting on 20 September 1946, in connexion with the Ukrainian complaint against Greece, before the draft resolution submitted by the representative of the United States, to establish a commission of investigation under Article 34 of the Charter, was put to the vote, the President (USSR) stated that the vote would be in accordance with Article 27 (3). The representative of France observed:

"This motion, the intention of which is merely to establish a committee of investigation, is not a motion of substance, but rather of procedure.

"... this motion comes under the provisions of Article 29 of the Charter which... appears in Chapter V 'Security Council' under the heading 'Procedures'."

The President, speaking as the representative of the USSR, stated:

"... so far as the representatives of France, China, the United Kingdom, the United States and the Union of Soviet Socialist Republics are concerned, they assumed as far back as the San Francisco Conference a definite obligation to regard such questions, including all proposals relating to investigation, as questions of substance and not of procedure."

The representative of the United States agreed with the President's interpretation. The representative of Australia contended:

"... that document [*San Francisco Statement on Voting Procedure*] has no binding force on this Council.

"But even if we do look at that document, we find in its second paragraph, which deals with the items which may be covered by procedural vote, the words: '... establish such bodies or agencies as it may deem necessary for the performance of its functions'."

The representative of France did not insist that a vote be taken on the question whether the matter was procedural.<sup>59</sup>

**Decision:** *The United States draft resolution was not adopted. There were 8 votes in favour, 2 against (one vote against being that of a permanent member) and one abstention.*<sup>60</sup>

#### CASE 43

**Decision** of 25 March 1947 (122nd meeting): *Rejection of draft resolution submitted by the representative of the United Kingdom in connexion with the Corfu Channel question.*<sup>61</sup>

<sup>58</sup> 49th meeting: pp. 444, 446. For texts of relevant statements see:

49th meeting: President (Mexico), p. 438; Australia, p. 438; USSR, pp. 445-446. See also chapter VIII, p. 307.

<sup>59</sup> For texts of relevant statements see:

70th meeting: President (USSR), p. 410; Australia, p. 411; France, p. 410; United States, pp. 410-411. See chapter X, Case 10.

<sup>60</sup> 70th meeting: p. 412. At the 18th meeting on 13 February 1946, the President (Australia) considered that Article 27 (3) applied to a draft resolution to set up a commission of inquiry in connexion with the Indonesian question (I). 18th meeting: p. 258. See also Cases 85 and 118.

<sup>61</sup> 122nd meeting: pp. 608-609. See chapter X, Case 23.



## CASE 44

**Decision** of 29 July 1947 (170th meeting): *Rejection of draft resolution submitted by the representative of the United States in connexion with the Greek frontier incidents question.*<sup>62</sup>

## CASE 45

**Decision** of 19 August 1947 (188th meeting): *Rejection of draft resolution submitted by the representative of Australia in connexion with the Greek frontier incidents question.*<sup>63</sup>

## CASE 46

**Decision** of 19 August 1947 (188th meeting): *Rejection of draft resolution submitted by the representative of the United States in connexion with the Greek frontier incidents question.*<sup>64</sup>

## CASE 47

**Decision** of 25 August 1947 (194th meeting): *Rejection of USSR amendment to joint draft resolution submitted by the representatives of Australia and China in connexion with the Indonesian question (II).*<sup>65</sup>

## CASE 48

At the 202nd meeting on 15 September 1947, in connexion with the Greek frontier incidents question, the representative of the United States submitted a draft resolution to request the General Assembly, pursuant to Article 12, to consider and make recommendations with regard to the dispute.<sup>66</sup> The President (USSR) declared that the vote would be taken in accordance with Article 27 (3). The representative of the United States challenged the ruling and stated:

"It seems to me that the resolution is clearly procedural. All the Council is asked to do here is to request another organ of the United Nations to consider and take action in a dispute which has been brought to the United Nations. There is no colour of substance to this resolution. It relates to the internal procedure of the United Nations and to relations between its various organs. In this resolution the Council is not attempting in any way to indicate a view with regard to the merits of the dispute. In the view of my delegation it cannot be considered as a matter of substance to be covered by paragraph 3 of Article 27 of the Charter."

The representative of Poland contended that matters of procedure were<sup>67</sup>

"... matters of internal procedure of the Council. Here, however, we have a proposal that the Council ask another organ of the United Nations for an opinion, although it is really outside of the Council, and we therefore cannot consider this a matter of internal procedure. In addition, I think the importance of the proposal has also to be taken into consideration."

<sup>62</sup> 170th meeting: p. 1612. See chapter X, Cases 13 and 15.

<sup>63</sup> 188th meeting: pp. 2093-2094. See chapter XI, Case 3.

<sup>64</sup> S/486, 188th meeting: pp. 2098-2099. See chapter XI, Case 3.

<sup>65</sup> 194th meeting: pp. 2199-2200. See chapter V, Case 19.

<sup>66</sup> S/555, 202nd meeting: p. 2369.

<sup>67</sup> For texts of relevant statements see:

202nd meeting: President (USSR), pp. 2390, 2391; Australia, pp. 2372-2373, 2392; Poland, pp. 2389, 2395; United States, pp. 2368-2369, 2391.

**Decision:** *There were 9 votes in favour, and 2 against (one vote against being that of a permanent member). After the President (USSR) had declared that the draft resolution was not adopted, the proposal that the matter was procedural was put to the vote and rejected.*<sup>68</sup> *The United States draft resolution was not adopted.*

## CASE 49

At the 303rd meeting on 24 May 1948, in connexion with the Czechoslovak question, the draft resolution submitted by the representative of Chile was voted upon by the Security Council at the request of the representative of Argentina in accordance with rule 38 of the rules of procedure. The draft resolution proposed the appointment of a sub-committee to receive or hear evidence, statements and testimonies on the question, specifying in the preamble that such action should be without prejudice to future decisions taken in accordance with Article 34.<sup>69</sup>

The question whether the draft resolution was a procedural matter was discussed at the 288th meeting on 29 April 1948, 300th meeting on 21 May 1948 and 305th meeting on 26 May 1948. The representatives of Argentina, Canada, Syria and the United States were of the opinion that the appointment of a sub-committee came under Article 29 of Chapter V, which was entitled "Procedure". The representatives of the Ukrainian SSR and the USSR contended that the draft resolution was a non-procedural matter inasmuch as it proposed an investigation. The representative of the USSR maintained that his view was in accordance with paragraph 4 of part I of the San Francisco Statement on Voting Procedure, according to which a decision to investigate requires the concurring votes of the permanent members. The representatives of the United Kingdom and the United States considered that the draft resolution fell under paragraph 2 of part I of the Statement, which states that a procedural vote will govern the decision to establish such bodies or agencies as it may deem necessary for the performance of its functions. The proposal that the draft resolution was procedural was put to the vote.

After the vote on the preliminary question had been taken,<sup>70</sup> the President (France), in announcing that the matter was non-procedural, gave the following interpretation of the question:<sup>71</sup>

"With regard to the other parts of the Declaration [*San Francisco Statement on Voting Procedure*] which could be applied to the case now before the Council, paragraph 2 of part I states that a procedural vote will govern the establishment of 'such bodies or agencies as it'—that is, the Council—'may deem necessary for the performance of its functions'. Paragraph 4, part I, on the other hand, provides that certain decisions, which in themselves might be

<sup>68</sup> 202nd meeting: p. 2399. For the vote on whether the matter was procedural, see Cases 84 and 97.

<sup>69</sup> 303rd meeting: pp. 28-29.

<sup>70</sup> For the vote on whether the matter was procedural, see Cases 85 and 98. See also chapter V, Case 67.

<sup>71</sup> For texts of relevant statements see:

288th meeting: Argentina, pp. 25-27; Canada, p. 21; Syria, pp. 22-23; USSR, pp. 19, 21-22; United States, pp. 19-20.

300th meeting: Canada, pp. 39-40; USSR, pp. 41-42; United Kingdom, pp. 38-39.

303rd meeting: President (France), p. 20; Syria, p. 4; Ukrainian SSR, pp. 2-3; USSR, pp. 7-8; United States, pp. 4-5.

305th meeting: United Kingdom, p. 33.

procedural, must be considered substantive because of the 'major political consequences' which they might have, and it is further specified that 'This chain of events begins'—for instance—'when the Council decides to make an investigation...' I had wondered whether, in this paragraph, the word 'investigation' could not be interpreted as applying to the sending of a commission to conduct an inquiry on the spot, and whether, therefore, a distinction might not be drawn between that and an investigation to be carried out directly by a subsidiary organ of the Security Council.

"However, if we refer to paragraph 5 of part I of the Declaration, we find the following: 'To illustrate: in ordering an investigation, the Council has to consider whether the investigation—which may involve calling for reports, hearing witnesses, dispatching a commission of inquiry, or other means—might not further aggravate the situation.'

"In those circumstances, I consider that the word 'investigation', which appears in the first line of that paragraph, is used in its widest meaning, and I think it applies to the situation now before us."

**Decision:** *The Chilean draft resolution was not adopted. There were 9 votes in favour and 2 against (one vote against being that of a permanent member).*<sup>72</sup>

## CASE 50

**Decision** of 25 October 1948 (372nd meeting): *Rejection of joint draft resolution submitted by the representatives of Argentina, Belgium, Canada, China, Colombia and Syria in connexion with the identical notifications dated 29 September 1948.*<sup>73</sup>

## CASE 51

At the 456th meeting on 13 December 1949, in connexion with the Indonesian question (II), a draft resolution submitted by the representative of Canada was put to the vote in two parts:<sup>74</sup>

(i) The first part noted the report of UNCI regarding the Round Table Conference at The Hague; congratulated the parties; welcomed the forthcoming establishment of the Republic of the United States of Indonesia and commended the Commission.

**Decision:** *There were 9 votes in favour and 2 against (one vote against being that of a permanent member).*<sup>75</sup>

The President (Canada) declared that, in view of Article 27, this part of the draft resolution was not adopted, since one of the permanent members had voted against. Although the representative of Argentina disagreed with the President's statement, contending that the exchange of congratulations was a procedural matter, the President's ruling was not challenged.<sup>76</sup>

(ii) The second part of the draft resolution requested the Commission to continue to discharge its responsibilities; observe and assist in the implementation of the agreements; and report to the Security Council.

**Decision:** *The second part was not adopted. There were 8 votes in favour, 2 against (one vote against being that of a permanent member) and 1 abstention.*<sup>77</sup>

## CASE 52

**Decision** of 6 September 1950 (496th meeting): *Rejection of draft resolution submitted by the representative of the United States in connexion with the complaint of aggression upon the Republic of Korea.*<sup>78</sup>

## CASE 53

**Decision** of 12 September 1950 (501st meeting): *Rejection of draft resolution submitted by the representative of the United States in connexion with the complaint of bombing by air forces of the territory of China.*<sup>79</sup>

## CASE 54

**Decision** of 30 November 1950 (530th meeting): *Rejection of draft resolution submitted by the representatives of Cuba, Ecuador, France, Norway, United Kingdom and United States in connexion with the complaint of aggression upon the Republic of Korea.*<sup>80</sup>

## 2. In connexion with other matters considered by the Security Council:

### a. In connexion with admission of new Members to the United Nations

## CASE 55

At the 55th meeting on 28 August 1946, in connexion with the applications of Albania and the Mongolian People's Republic for admission to the United Nations, the representative of the United States submitted a motion to postpone voting on those applications until the next occasion on which applications would be considered.

At the 57th meeting on 29 August 1946, the representative of the USSR contended that the United States motion was non-procedural inasmuch as it was a decision not to admit the applicant at that time. At the request of the President (Poland), the Secretary-General stated his opinion. He observed that, at the 18th meeting on 13 February 1946,<sup>81</sup> a vote on a proposal to retain the application of Albania on the agenda, while deferring disposition "pending further study until the Security Council convenes at the temporary headquarters", had been considered a procedural matter. The President stated:

"I do not doubt that the question is a question of procedure . . .

" . . .

"However, I would like to put one question to the representative of the United States. Though there is a clear-cut procedural difference between a vote against admission and a vote for postponement, the practical facts, with the exception of the small procedural details in the case where a new application has been presented are the same . . . In view

<sup>77</sup> 456th meeting: p. 34.

<sup>78</sup> S/1653, 479th meeting: pp. 7-8; 496th meeting: pp. 18-19. See chapter VIII, p. 357.

<sup>79</sup> S/1752, 501st meeting: pp. 4, 28. See chapter VIII, p. 359.

<sup>80</sup> S/1894, 530th meeting: pp. 22-25. See chapter VIII, p. 357.

<sup>81</sup> 18th meeting: pp. 268, 270. For the deferment of consideration of items on the agenda as a procedural matter, see Cases 13-15.

<sup>72</sup> 303rd meeting: pp. 28-29.

<sup>73</sup> S/1048, 370th meeting: pp. 5-6; 372nd meeting: p. 14. See chapter VIII, p. 354.

<sup>74</sup> S/1431, O.R., 4th year, Suppl. for Dec. 1949, pp. 13-14.

<sup>75</sup> 456th meeting: pp. 33-34.

<sup>76</sup> 456th meeting: p. 34.

of this, I would like to ask the representative for the United States if he wishes to maintain his request for a postponement."

The representative of the United States declined to withdraw his motion. He stated:

"I think there is a very great difference between simply postponing action on something that you hope to be able to act favourably on, and a completely negative action which requires the applicant to begin all over again. A negative vote will mean that all our proceedings on Albania are finished, whereas postponing the vote requires no action but a procedural vote of this Council, and I am not willing to withdraw."

Referring to the statement of the Secretary-General, the representative of the USSR stated:

"... we are now dealing not with the question of postponing consideration of Albania's application, but with the postponement of Albania's admission to the United Nations Organization."

The representative of China also contended that it was non-procedural and observed:<sup>82</sup>

"Of course, there may be other cases; such as, for instance, where it is proposed to postpone taking a vote for twenty-four hours. In such a case, the Council may agree that this is procedural. But this is postponing action for a year; the time element has something to do with it."

**Decision:** *The Council voted first upon the preliminary question and decided that the United States motion was a non-procedural matter.*<sup>83</sup> *The United States motion to postpone voting on Albania's application was rejected, having failed to obtain the affirmative votes of 7 members.*<sup>84</sup> *The representative of the United States then withdrew his motion to postpone voting on the application of the Mongolian People's Republic.*<sup>85</sup>

#### CASES 56-58

At the 56th meeting on 29 August 1946, in connexion with the applications of Albania, Ireland, the Mongolian People's Republic, Portugal, and Transjordan, the representative of China observed that members of the Security Council were apparently assuming that Article 27 (3) applied to the admission of new Members. He stated:<sup>86</sup>

"I do not know whether this particular Article really had this problem in mind when it was drafted."

The representative of the USSR replied:

"The question is perfectly clear and the Charter of the United Nations itself gives us the answer to it."

The draft resolutions to recommend Albania and the Mongolian People's Republic for membership were put to the vote at the 57th meeting on 29 August 1946 and rejected, having failed to obtain the affirmative

votes of 7 members. After each vote, however, the President (Poland) observed:<sup>87</sup>

"The motion is not carried since there are two permanent members among those who voted against."

#### Case 56

*The draft resolution to recommend Transjordan for membership was not adopted. There were 8 votes in favour, 2 against (one vote against being that of a permanent member) and 1 abstention.*<sup>88</sup>

#### Case 57

*The draft resolution to recommend Ireland for membership was not adopted. There were 9 votes in favour, 1 against (the vote against being that of a permanent member) and 1 abstention.*<sup>89</sup>

#### Case 58

*The draft resolution to recommend Portugal for membership was not adopted. There were 8 votes in favour, 2 against (one vote against being that of a permanent member) and 1 abstention.*<sup>90</sup>

#### CASE 59

**Decision** of 18 August 1947 (186th meeting) regarding the application of Transjordan.<sup>91</sup>

#### CASE 60

**Decision** of 18 August 1947 (186th meeting) regarding the application of Ireland.<sup>92</sup>

#### CASE 61

**Decision** of 18 August 1947 (186th meeting) regarding the application of Portugal.<sup>93</sup>

#### CASE 62

**Decision** of 21 August 1947 (190th meeting) regarding the application of Italy.<sup>94</sup>

#### CASE 63

**Decision** of 21 August 1947 (190th meeting) regarding the application of Austria.<sup>95</sup>

#### CASE 64

**Decision** of 1 October 1947 (206th meeting) regarding the application of Italy.<sup>96</sup>

#### CASE 65

**Decision** of 1 October 1947 (206th meeting) regarding the application of Finland.<sup>97</sup>

#### CASE 66

At the 279th and 280th meetings on 10 April 1948, the Security Council reconsidered the applications of Albania, Austria, Bulgaria, Finland, Hungary, Ireland, Italy, the Mongolian People's Republic, Portugal,

<sup>87</sup> 57th meeting: pp. 136, 138.

<sup>88</sup> 57th meeting: p. 139.

<sup>89</sup> 57th meeting: p. 139.

<sup>90</sup> 57th meeting: p. 139.

<sup>91</sup> 186th meeting: p. 2041.

<sup>92</sup> 186th meeting: p. 2041.

<sup>93</sup> 186th meeting: p. 2045.

<sup>94</sup> 190th meeting: p. 2127.

<sup>95</sup> 190th meeting: pp. 2130-2131. For texts of relevant statements see:

190th meeting: USSR, pp. 2134-2135; United States, pp. 2133-2134.

<sup>96</sup> 206th meeting: p. 2476.

<sup>97</sup> 206th meeting: p. 2476.

<sup>82</sup> For texts of relevant statements see:

55th meeting: United States, pp. 55, 68.

57th meeting: President (Poland), pp. 127, 132; China, p. 131; USSR, pp. 126, 128-129, 130-131; United States, pp. 127-128; Secretary-General, pp. 126-127.

<sup>83</sup> For the vote on whether the matter was procedural, see Cases 83 and 95.

<sup>84</sup> 57th meeting: pp. 135-136.

<sup>85</sup> 57th meeting: p. 137.

<sup>86</sup> For texts of relevant statements see:

56th meeting: Australia, p. 94; China, p. 95; USSR, p. 98.

Romania and Transjordan. Taking the applications in the order in which they had been resubmitted, the President (Colombia) opened discussion on the application of Italy. In the course of the discussion, the representative of Argentina stated:<sup>98</sup>

"... my delegation does not consider paragraph 3 of Article 27 of the Charter as applicable to votes on the admission of new Members."

**Decision:** *In the absence of a draft resolution, the President asked the Council to vote upon "the question of recommending to the General Assembly the admission of Italy". There were 9 votes in favour and 2 against (one vote against being that of a permanent member).*

The President stated:<sup>99</sup>

"As one of the permanent members has voted against the resolution, it is not carried."

#### CASE 67

At the 351st meeting on 18 August 1948, the representative of China proposed that the Security Council recommend to the General Assembly the admission of Ceylon to membership in the United Nations.

**Decision:** *The Chinese proposal was not adopted. There were 9 votes in favour, and 2 against (one vote against being that of a permanent member).*<sup>100</sup>

After the vote was taken, the representative of Argentina contended that "paragraph 3 of Article 27 is not applicable".<sup>101</sup> The representative of China considered the "veto to be arbitrary and not justified by the qualifications for membership stipulated by the Charter." The President, speaking as the representative of the USSR, rejected the observation of the representative of China "as unfounded and in contradiction with the United Nations Charter".

#### CASE 68

**Decision** of 15 December 1948 (384th meeting) regarding the application of Ceylon.<sup>102</sup>

#### CASE 69

At the 423rd meeting on 8 April 1949, the Security Council voted upon the draft resolution submitted by the representative of China to recommend the admission of the Republic of Korea. In the course of discussion, the representative of Argentina stated:<sup>103</sup>

"... the Argentine delegation will continue to consider that the application for admission of a new Member which receives any seven votes in the Security Council has been approved."

**Decision:** *The Chinese draft resolution was not adopted. There were 9 votes in favour and 2 against (one vote against being that of a permanent member).*<sup>104</sup>

<sup>98</sup> 279th meeting: p. 8.

<sup>99</sup> 279th meeting: pp. 15-16. The other applications were not put to the vote.

<sup>100</sup> 351st meeting: p. 22.

<sup>101</sup> For texts of relevant statements see:

351st meeting: President (USSR), p. 23; Argentina, p. 22; China, p. 23.

<sup>102</sup> 384th meeting: p. 39.

<sup>103</sup> 423rd meeting: p. 14.

<sup>104</sup> S/1305, 423rd meeting: p. 15.

#### CASES 70-76

At the 427th to 431st meetings and 440th to 443rd meetings between 16 June and 13 September 1949, the application of Article 27 to the admission of new Members to the United Nations was discussed in connexion with the recommendations of the General Assembly resolution 197 (III) of 8 December 1948 to the effect that the applications of Austria, Finland, Ireland, Italy, Portugal and Transjordan be reconsidered, and in connexion with renewals of the applications of Albania, Bulgaria, Hungary, Mongolian People's Republic and Romania.

At the 427th meeting, the representative of Argentina, in submitting seven draft resolutions<sup>105</sup> to recommend to the General Assembly the admission of Austria, Ceylon, Finland, Ireland, Italy, Portugal and Transjordan, contended:

"... The application of Article 27 is restricted; it is limited to the Council's specific functions and it cannot be extended to matters which the Council is not competent to settle.

"..."

"Once the question has been put correctly, there is no doubt that the matter is not one of substance and that therefore paragraph 2 should apply. But the truth is that Article 27 should only apply to matters which fall under the exclusive jurisdiction of the Security Council. Since this case does not come under the exclusive jurisdiction of the Security Council, the decision should be taken by the simple majority of the members present and voting, or at most by an absolute majority of the members, since the Charter does not give a ruling on the matter.

"..."

"In short, the recommendation which the Security Council must make in the case of admission of new Members is not a question of substance nor one of the procedural matters which fall within the specific competence of the Council; but, like other questions of procedure, it must obtain seven votes for the recommendation to be favourable."

At the 428th meeting the representative of the United States stated:

"... we have no intention in the future of permitting our vote to prevent the admission to membership of any applicant receiving seven affirmative votes in this Council.

"..."

"[That] does not mean that the United States deems that the Council or its members should ignore the requirements of Article 4.

"..."

"I agree with the President that, if the present views of the members of the Security Council indicate that there will be no change in the results of voting on these twelve applications, no useful purpose would be served by bringing the present matter to a vote."

The representative of the USSR, having referred to the seven draft resolutions submitted by the representative of Argentina, asked:

"Why ... has he brought up these issues all over again? Could it be in order to provoke the applica-

<sup>105</sup> S/1331-S/1337, 443rd meeting: pp. 28-30.

tion of the so-called 'veto' in the Security Council, thus replenishing his arsenal for renewed attacks against one of the fundamental principles of the United Nations as expressed in the rule of unanimity of the permanent members of the Security Council in decisions on all important questions?"

The representative of the USSR submitted a draft resolution to recommend the admission of all twelve applicants.<sup>106</sup>

At the 429th meeting, on 24 June 1949, the representative of the United Kingdom, referring to those applications which his delegation did not support, stated:

"...even though their admission is not supported by us, it would not be blocked by the exercise of our privileged vote..."

At the 430th meeting the representative of the USSR recalled the statements of the representatives of the United Kingdom and the United States regarding their intention not to use their vote to prevent a recommendation for membership which received seven affirmative votes:

"Can there be any question of generosity when everyone knows that the United States and the United Kingdom, commanding a safe majority in the Security Council, can bring about the rejection of any proposal? To do that, they do not openly have to resort to the negative vote, as it is sufficient for any five members of the Security Council to abstain from voting to block a decision on any given question."

At the end of the 431st meeting, the President (Ukrainian SSR) announced:

"As no agreement has been reached on the question of the admission of twelve States to membership in the United Nations, this question will not be put to a vote in the Security Council."

At the 441st meeting, the representative of Argentina requested that the draft resolutions submitted by his delegation be put to the vote. At the 443rd meeting, after the representative of the USSR had recalled that previous Presidents (Norway and the Ukrainian SSR) and the representatives of Egypt, France, the United Kingdom and the United States had stated that no useful purpose would be served by taking a vote since no change of attitude had taken place, the draft resolutions to recommend the admission of Austria, Ceylon, Finland, Ireland, Italy, Portugal and Transjordan were put to the vote separately.<sup>107</sup>

#### Case 70

*The draft resolution to recommend the admission of Portugal was not adopted. There were 9 votes in*

<sup>106</sup> S/1340/Rev. 2, 443rd meeting: pp. 33-34.

<sup>107</sup> For texts of relevant statements see:

427th meeting: President (Norway), p. 5; Argentina, pp. 24-25.

428th meeting: China, p. 2; France, p. 13; Ukrainian SSR, pp. 15-16; USSR, p. 9; United States, pp. 5-7.

429th meeting: President (Norway), pp. 18-19; United Kingdom, pp. 3-4.

430th meeting: USSR, p. 8.

431st meeting: President (Ukrainian SSR), p. 12.

441st meeting: Argentina, pp. 17-18; China, pp. 16-17; Egypt, p. 17.

442nd meeting: United States, p. 7.

443rd meeting: Argentina, pp. 29-30.

For consideration of abstention in connexion with the "concealed veto", see Case 189.

*favour, and 2 against (one vote against being that of a permanent member).*<sup>108</sup>

After this vote had been taken, the representative of Argentina stated:

"I wish to place on record . . . that four permanent members voted in favour [of the application of Portugal] exactly as in the vote on the application for admission of the State of Israel which was submitted for consideration by the General Assembly.

"I know that it will be objected that while in the one case there was an abstention—that of the United Kingdom—in the other case there is an opposing vote by the Soviet Union.

"The Charter, however, does not distinguish between abstentions and negative votes. It says simply that the concurring votes of the five permanent members are necessary. In the voting on Portugal there were only four, as in the voting on Israel."

#### Case 71

*The draft resolution to recommend the admission of Transjordan was not adopted. There were 9 votes in favour, and 2 against (one vote against being that of a permanent member).*<sup>109</sup>

#### Case 72

*The draft resolution to recommend the admission of Italy was not adopted. There were 9 votes in favour, and 2 against (one vote against being that of a permanent member).*<sup>110</sup>

#### Case 73

*The draft resolution to recommend the admission of Finland was not adopted. There were 9 votes in favour, and 2 against (one vote against being that of a permanent member).*<sup>111</sup>

#### Case 74

*The draft resolution to recommend the admission of Ireland was not adopted. There were 9 votes in favour, and 2 against (one vote against being that of a permanent member).*<sup>112</sup>

#### Case 75

*The draft resolution to recommend the admission of Austria was not adopted. There were 9 votes in favour, and 2 against (one vote against being that of a permanent member).*<sup>113</sup>

#### Case 76

*The draft resolution to recommend the admission of Ceylon was not adopted. There were 9 votes in favour, and 2 against (one vote against being that of a permanent member).*<sup>114</sup>

#### CASE 77

At the 439th meeting on 7 September 1949, the Security Council voted upon the draft resolution submitted by the representative of China to recommend

<sup>108</sup> 443rd meeting: pp. 28-29. See also Case 187.

<sup>109</sup> 443rd meeting: p. 30.

<sup>110</sup> 443rd meeting: pp. 31-32.

<sup>111</sup> 433rd meeting: p. 32.

<sup>112</sup> 433rd meeting: p. 32.

<sup>113</sup> 433rd meeting: p. 33.

<sup>114</sup> 443rd meeting: p. 33.

the admission of Nepal to membership in the United Nations. The representative of the USSR announced that his delegation would vote against the admission of Nepal because it would be unfair to discriminate against the other pending applications.<sup>115</sup> The President, speaking as the representative of the United Kingdom, and the representative of the United States repeated their assurances that they would not permit their votes to prevent the admission to membership of any applicant receiving seven affirmative votes in the Council.

**Decision:** *The Chinese draft resolution was not adopted. There were 9 votes in favour and 2 against (one vote against being that of a permanent member).*<sup>116</sup>

**b. In connexion with reports of the Atomic Energy Commission and the Commission for Conventional Armaments**

CASE 78

**Decision** of 22 June 1948 (325th meeting): *Rejection of draft resolution submitted by the representative of the United States in connexion with the reports of the Atomic Energy Commission.*<sup>117</sup>

CASE 79

**Decision** of 11 October 1949 (450th meeting): *Rejection of draft resolution submitted by the representative of the United States in connexion with the report of the Commission for Conventional Armaments.*<sup>118</sup>

CASE 80

At the 452nd meeting on 18 October 1949, in connexion with the working paper relating to the future work of the Commission for Conventional Armaments,<sup>119</sup> a draft resolution was submitted by the representative of France, to approve the working paper adopted by the Commission for Conventional Armaments as the basis for a plan for the collection and verification of information; and to transmit the documentation to the General Assembly.<sup>120</sup>

Before the vote was taken the representative of the USSR stated:

"Under the established procedure, reports of the Commission for Conventional Armaments are sub-

<sup>115</sup> For texts of relevant statements see: 439th meeting: President (United Kingdom), p. 12; USSR, pp. 10-11; United States, p. 13.

<sup>116</sup> S/1385, 439th meeting: pp. 8, 16.

<sup>117</sup> S/836, 325th meeting: pp. 11-12. See chapter IX, p. 367.

<sup>118</sup> S/1398, 450th meeting: pp. 2-3, 14. See chapter IX, p. 370.

<sup>119</sup> S/1372, O.R., 4th year, Suppl. for Sept., Oct., Nov. and Dec. 1949, pp. 2-8.

<sup>120</sup> S/1399/Rev.1, O.R., 4th year, Suppl. for Sept., Oct., Nov. and Dec. 1949, pp. 12-13.

mitted to the General Assembly for information only, as are the reports of the Atomic Energy Commission. The fact that a draft resolution is here submitted to which the USSR delegation cannot agree, against which it voted in the Commission for Conventional Armaments, and against which it will vote again in the Security Council, gives reason to believe that this text has been presented to the Security Council only in order to provoke a veto on the part of the delegation of the Soviet Union."

The President (United States) offered to try to reach unanimous agreement on the procedure of merely transmitting the documents to the General Assembly, if the imputation of bad faith were deleted from the statement by the representative of the USSR. The response of the representative of the USSR did not satisfy the President, whereupon the French draft resolution was put to the vote.<sup>121</sup>

**Decision:** *The French draft resolution was not adopted. There were 9 votes in favour, and 2 against (one vote against being that of a permanent member).*<sup>122</sup>

CASE 81

At the 452nd meeting on 18 October 1949, in connexion with the working paper relating to the future work of the Commission for Conventional Armaments,<sup>123</sup> a second draft resolution was submitted by the representative of France, to recognize the principles concerning the collection and verification of information on conventional armaments, and to recall that the submission of full information on atomic material and facilities was an integral part of the United Nations plan of control and prohibition approved by the General Assembly on 4 November 1948.<sup>124</sup>

Before the draft resolution was put to the vote, the representative of the USSR declared that there was no real difference between the first and second French draft resolutions.<sup>125</sup>

**Decision:** *The French draft resolution was not adopted. There were 8 votes in favour, 2 against (one vote against being that of a permanent member) and 1 abstention.*<sup>126</sup>

<sup>121</sup> For texts of relevant statements see: 452nd meeting: President (United States), p. 21; USSR, pp. 20-21.

<sup>122</sup> 452nd meeting: pp. 21-22.

<sup>123</sup> S/1372, O.R., 4th year, Suppl. for Sept., Oct., Nov. and Dec. 1949, pp. 2-8.

<sup>124</sup> S/1408/Rev.1.

<sup>125</sup> 452nd meeting: pp. 22-23. For consideration of the first French draft resolution, see Case 80.

<sup>126</sup> 452nd meeting: p. 23.

Part II

**PROCEEDINGS OF THE SECURITY COUNCIL REGARDING VOTING UPON THE QUESTION WHETHER THE MATTER WAS PROCEDURAL WITHIN THE MEANING OF ARTICLE 27 (2) OF THE CHARTER**

NOTE

1. On certain occasions the Security Council has found it necessary to decide by vote the question whether or not the matter under consideration was

procedural within the meaning of Article 27 (2). This question has come to be termed, after the language used in the San Francisco Statement on Voting Procedure, "the preliminary question". Part II is con-

cerned with the proceedings of the Council in connexion with decisions on this question, and with the questions of procedure involved.

2. In section A is given an outline of the proceedings on each of the five occasions when a vote was taken on this "preliminary question". The outline for each case indicates the sequence in which the various steps were taken by the Council, with a view to reaching the final decision on whether or not the matter under consideration was procedural. The cases are presented with a view to indicating in summary form the varying procedures adopted by the Council in arriving at the decision.

3. In section B, three special problems of procedure, which are common to these five cases, are taken up separately. This supplementary information, which includes for each case the discussion on the procedure in question, forms, with the information contained in the outlines, complete case histories for these five instances. These three problems of procedure have also been discussed on four occasions when the question of voting on "the preliminary question" has been raised, but when no such vote has been taken.<sup>1</sup> The discussion on these occasions has also been included in these subsidiary sections.

4. The first point of procedure concerns the order in which the main proposal, and the question whether the main proposal is a procedural matter, should be put to the vote. The Security Council has on three occasions voted first on the main proposal, and thereafter on the question whether the main proposal was procedural (Cases 89, 91 and 93); on two occasions the Council has voted in the reverse order (Cases 90 and 92). The view that the preliminary question should be decided first has been advanced on the grounds, not only that the very phrase used in the Statement of the Sponsoring Powers so indicates, but also that a vote cannot usefully be taken on the main proposal without knowing whether it constitutes a matter of procedure or not. The contrary view has rested mainly on the contention that the necessity of deciding the preliminary question arises only when a proposal has received seven or more affirmative votes together with the negative vote of one or more permanent members; the necessity of deciding the preliminary question cannot therefore be known in advance. These considerations were extensively discussed at the 202nd meeting, on which occasion the Security Council decided by vote, contrary to the ruling of the President, to vote first on the main resolution (Case 91).

5. The second special problem of procedure concerns the question whether the decision that the matter is procedural is itself a procedural decision to be made by the affirmative vote of any seven members; or whether it is a non-procedural decision which requires, for its adoption, the concurring votes of the five permanent members—whether, in short, the preliminary question is subject to a vote in accordance with Article 27 (2), or Article 27 (3). In three of the five cases in which votes were taken to determine whether a matter was procedural, the proposal to consider the matter procedural was not adopted, notwithstanding the affirmative votes of 7 members, because of the negative vote of a permanent member (Cases 94, 97 and 98). In the fourth case, the proposal was rejected,

<sup>1</sup> See Cases 105, 116, 117 and 118.

having failed to obtain the affirmative votes of seven members. In this case, however, the President ruled that the concurring votes of the permanent members would have been necessary for the adoption of the proposal (Case 95). In the fifth case, the proposal to consider the matter procedural was declared adopted by the President, notwithstanding the negative vote of a permanent member (Case 99).<sup>2</sup>

6. Discussion on this question has been accompanied by the invocation of the San Francisco Statement on Voting Procedure<sup>3</sup> as the basis for classifying as non-procedural the decision whether a matter is procedural or non-procedural. Accordingly, statements in this connexion have been included in the case histories (Cases 94-99).

7. The third problem of procedure concerns the role of the President in the determination whether a matter is procedural, with special reference to the use of rule 30 of the provisional rules of procedure. Statements of view by the President that the matter under consideration by the Council was procedural or non-procedural have at times preceded the vote on the main question and at times have assumed the form of the President's interpretation to the Council of the vote taken on the main question. Such Presidential statements have on certain occasions been received by the Council without challenge.<sup>4</sup> On other occasions the question has arisen as to the relation of such Presidential statements to rulings by the President under rule 30 of the provisional rules of procedure. The proceedings of the Council on the five occasions (Cases 100, 101, 103, 104 and 106) where there has been discussion of this question and votes have been taken indicate the existence of different views and the application of different procedures.

#### A. PROCEEDINGS ON OCCASIONS WHEN THE SECURITY COUNCIL VOTED ON "THE PRELIMINARY QUESTION"

##### CASE 82

At the 49th meeting on 26 June 1946, in connexion with the Spanish question, the Security Council voted upon a draft resolution, submitted by the representatives of Australia and the United Kingdom for the majority of a drafting committee, the preamble of which recalled the conclusions of the Sub-Committee on the Spanish question, and which sought to keep the situation in Spain under continuous observation and to maintain it on the list of matters of which the Council was seized, without prejudice to the rights of the General Assembly under the Charter.<sup>5</sup>

There were 9 votes in favour, 2 against (one vote against being that of a permanent member).<sup>6</sup>

The President (Mexico) ruled that the draft resolution had been adopted.<sup>7</sup>

The representative of the USSR objected to the President's interpretation of the vote on the grounds that the resolution combined procedural and non-pro-

<sup>2</sup> For the challenge to the ruling, see Case 105.

<sup>3</sup> "Statement by the Delegations of the Four Sponsoring Governments on Voting Procedure in the Security Council", *United Nations Conference on International Organization, Documents*, volume 11, pp. 711-714.

<sup>4</sup> See Cases 42, 51, 105, 200; footnotes 16, 60 of part I.

<sup>5</sup> 49th meeting: p. 401.

<sup>6</sup> 49th meeting: p. 413.

<sup>7</sup> 49th meeting: p. 413.

cedural matters. The representatives of Australia and the USSR requested that the Council take a vote to decide whether the matter was procedural.<sup>8</sup>

**Decision:** *The ruling was put to the vote. There were 8 votes in favour, 2 against (the 2 votes against being those of permanent members) and 1 abstention.*<sup>9</sup>

The President declared that his ruling had been overruled for, to arrive at a decision that a question was procedural, the five permanent members must concur.<sup>10</sup>

#### CASE 83

At the 55th meeting on 28 August 1946, in connexion with the applications of Albania and the Mongolian People's Republic for admission to the United Nations, the representative of the United States submitted a motion to postpone voting until the next occasion on which the Security Council considered applications for membership.<sup>11</sup>

At the 57th meeting on 29 August 1946, the President (Poland) ruled that the motion was a procedural matter.<sup>12</sup>

The representatives of China and the USSR contended that the motion was a non-procedural matter. The representative of the USSR requested that the Council take a vote to decide whether the matter was procedural.<sup>13</sup>

**Decision:** *The President asked "all those who believe that it is a matter of procedure to raise their hands". There were 5 votes in favour, 4 against (the 4 votes against being those of permanent members) and 2 abstentions.*<sup>14</sup>

The President concluded that, as a result of the vote, the matter was to be considered non-procedural. The representative of the United States announced that, for *ad hoc* purposes, he accepted the ruling of the President, while the representatives of Australia and the Netherlands asked to go on record as disagreeing with the ruling.<sup>15</sup>

The Council then voted upon the United States motion. It was rejected, having failed to obtain the affirmative votes of 7 members. There were 6 votes in favour, 3 against and 2 abstentions.<sup>16</sup>

#### CASE 84

At the 202nd meeting on 15 September 1947, in connexion with the Greek frontier incidents question, the representative of the United States submitted a draft resolution to request the General Assembly, pursuant to Article 12 of the Charter, to consider and make recommendations with regard to the dispute.<sup>17</sup>

<sup>8</sup> For discussion of whether the matter was procedural, see Case 40.

<sup>9</sup> 49th meeting: p. 421.

<sup>10</sup> 49th meeting: pp. 421-422.

<sup>11</sup> 55th meeting: pp. 55, 68.

<sup>12</sup> 57th meeting: p. 132.

<sup>13</sup> For discussion of whether the matter was procedural, see Case 55.

<sup>14</sup> 57th meeting: p. 132.

<sup>15</sup> 57th meeting: pp. 132-135.

<sup>16</sup> 57th meeting: pp. 135-136.

<sup>17</sup> S/555, 202nd meeting: p. 2369.

<sup>18</sup> 202nd meeting: p. 2390.

Before putting the draft resolution to the vote, the President (USSR) declared that the vote would be taken in accordance with Article 27 (3).<sup>18</sup>

The representatives of Australia and the United States contended that it was a procedural matter. The representatives of Poland and the USSR contended that it was non-procedural.<sup>19</sup>

The representative of Syria proposed the postponement of voting on the draft resolution in order to study the preliminary question. The proposal was rejected, having failed to obtain the affirmative votes of 7 members.<sup>20</sup>

The representative of Belgium proposed that the Council vote first on the United States draft resolution. The President ruled, however, that before taking a decision on the United States draft resolution the Council had to decide whether the matter was procedural.<sup>21</sup>

The ruling was challenged and put to the vote. There were 2 votes in favour, 8 against and 1 abstention. The President's ruling was overruled.<sup>22</sup>

The United States draft resolution was put to the vote. There were 9 votes in favour and 2 against (one vote against being that of a permanent member).<sup>23</sup>

The President ruled that the United States draft resolution had been rejected.<sup>24</sup>

The representative of the United States challenged the ruling.<sup>25</sup>

**Decision:** *The President put the proposal that the question was procedural to the vote. There were 8 votes in favour, 2 against (one vote against being that of a permanent member), and 1 abstention.*<sup>26</sup>

The President ruled that the proposal to consider the United States draft resolution procedural had been rejected, since one of the votes against had been that of a permanent member.<sup>27</sup>

#### CASE 85

At the 281st meeting on 12 April 1948, in connexion with the Czechoslovak question, the representative of Chile\* submitted a draft resolution<sup>28</sup> to appoint a sub-committee to receive and hear statements and testimony on the question, specifying in the preamble that such action should be without prejudice to future decisions taken in accordance with Article 34.

The Security Council discussed whether the matter was procedural. The representative of the USSR requested that the Council take a vote to decide whether it was a procedural matter.<sup>29</sup>

<sup>19</sup> For discussion of whether the matter was procedural, see Case 48.

<sup>20</sup> 202nd meeting: p. 2394.

<sup>21</sup> 202nd meeting: p. 2395.

<sup>22</sup> 202nd meeting: p. 2397.

<sup>23</sup> 202nd meeting: p. 2399.

<sup>24</sup> 202nd meeting: p. 2400.

<sup>25</sup> 202nd meeting: p. 2400.

<sup>26</sup> 202nd meeting: p. 2400.

<sup>27</sup> 202nd meeting: p. 2400.

<sup>28</sup> 281st meeting: pp. 1-2.

<sup>29</sup> For discussion of whether the matter was procedural, see Case 49.



The proposal that the draft resolution was procedural was put to the vote at the 303rd meeting on 24 May 1948. There were 8 votes in favour, 2 against (one vote against being that of a permanent member) and 1 abstention.<sup>30</sup>

The President (France) ruled that the proposal had been rejected because of the negative vote of a permanent member.<sup>31</sup>

The President's ruling was challenged by the representatives of Argentina, Belgium, Canada and Colombia.<sup>32</sup>

**Decision:** *The President put the question to the vote in the following form: "Will those who object to my interpretation raise their hands?" There were 6 votes in favour of rejecting the ruling, 2 against (one vote against being that of a permanent member) and 3 abstentions.*<sup>33</sup>

The President's ruling was upheld.<sup>34</sup>

The Council then voted upon the Chilean draft resolution. It was not adopted.<sup>35</sup>

#### CASE 86

At the 506th meeting on 29 September 1950, in connexion with the complaint of armed invasion of Taiwan (Formosa), the representative of Ecuador resubmitted his draft resolution to defer consideration of the question until 15 November 1950, at which time a representative of the People's Republic of China would be invited.<sup>36</sup>

The representative of China contended that the matter was non-procedural and requested that the Council take a vote to decide whether the matter was procedural before voting on the draft resolution.<sup>37</sup>

The President (United Kingdom) denied the request of the representative of China that the vote to decide the majority required be taken before the vote on the draft resolution, and put the draft resolution to the vote. There were 7 votes in favour, 3 against (2 votes against being those of permanent members) and 1 abstention.<sup>38</sup>

The President announced that in his opinion the resolution had been adopted.<sup>39</sup>

The representative of China challenged the President's interpretation of the vote, observing that he had voted against the draft resolution.<sup>40</sup>

At the 507th meeting on 29 September 1950, the President asked the Council to vote on whether it regarded the vote taken on the Ecuadorian draft resolution as procedural. There were 9 votes in favour,

<sup>30</sup> 303rd meeting: p. 19.

<sup>31</sup> 303rd meeting: p. 21.

<sup>32</sup> 303rd meeting: pp. 21-23.

<sup>33</sup> 303rd meeting: p. 26.

<sup>34</sup> 303rd meeting: pp. 26-27.

<sup>35</sup> 303rd meeting: pp. 28-29.

<sup>36</sup> S/1823/Corr.1, 506th meeting: pp. 3-5.

<sup>37</sup> For discussion of whether the matter was procedural, see Case 30.

<sup>38</sup> 506th meeting: p. 5.

<sup>39</sup> 506th meeting: p. 5.

<sup>40</sup> 506th meeting: pp. 5-7.

1 against (the vote against being that of a permanent member) and 1 abstention.<sup>41</sup>

The President declared that the proposal had been adopted.<sup>42</sup>

The representative of China, in view of the negative vote of a permanent member, objected to the President's ruling.<sup>43</sup>

The President ruled that, notwithstanding the objection of the representative of China, the vote which the Council had taken on the Ecuadorian draft resolution was procedural.<sup>44</sup>

The representative of China considered the ruling of the President *ultra vires* and offered to submit the question to the International Court of Justice.<sup>45</sup>

**Decision:** *The President put the challenge to his ruling to the vote, in accordance with rule 30 of the rules of procedure. There were no votes in favour, none against and no abstentions. The President declared the ruling stood.*<sup>46</sup>

The representative of China stated that the President's action was illegal.<sup>47</sup>

#### B. CONSIDERATION OF PROCEDURES INVOLVED IN VOTING ON "THE PRELIMINARY QUESTION"

##### 1. Consideration of the order in which the matter itself, and the question whether the matter is procedural, should be voted upon

#### CASE 87

At the 7th meeting on 4 February 1946, in connexion with the Greek question, the representative of the USSR contended that a proposal submitted by the representative of Egypt was a non-procedural matter. Before the vote was taken on the Egyptian proposal, the President (Australia) stated:<sup>48</sup>

"...at this stage it is desirable for the Council to indicate whether this is to be regarded as a procedural matter or if it is to be otherwise..."

No vote was taken, however, because the Council agreed to dispose of the matter by accepting a statement by the President which summarized the proceedings.

#### CASE 88

At the 19th meeting on 14 February 1946, in connexion with the Syrian and Lebanese question, the President (Australia) suggested that the Security Council postpone a decision as to whether the question under consideration was a dispute. While agreeing with the suggestion of the President, the representative of Egypt was of the opinion that the Council should first decide whether the decision as to whether a question was a dispute or a situation was a procedural matter, and submitted a motion to that effect. The representatives of China and the Netherlands were of the opinion that, inasmuch as the Committee of Experts was dealing with all questions of procedure of the Council, the Egyptian motion should be referred

<sup>41</sup> 507th meeting: pp. 4-5.

<sup>42</sup> 507th meeting: p. 5.

<sup>43</sup> 507th meeting: p. 5.

<sup>44</sup> 507th meeting: p. 5.

<sup>45</sup> 507th meeting: pp. 5-6.

<sup>46</sup> 507th meeting: pp. 7-8.

<sup>47</sup> 507th meeting: p. 8.

<sup>48</sup> 7th meeting: pp. 128-129.

to the Committee for study. The representative of the Netherlands moved that no vote be taken at that stage in the proceedings on the motion submitted by the representative of Egypt. The Netherlands motion was adopted, and no action was taken subsequently on the motion submitted by the representative of Egypt.<sup>49</sup>

#### CASE 89

At the 49th meeting on 26 June 1946, in connexion with the Spanish question, the Security Council voted upon the main draft resolution before the question whether it was a procedural matter was raised. After the President (Mexico) declared the resolution to have been adopted, the representative of the USSR contended that it "failed to be adopted because one of the permanent members of the Security Council voted against it." The President stated:

"The observations made by the representative of the USSR would have been timely before we voted, but he did not raise the question of substance until after the resolution had been voted and accepted."

The representative of the USSR replied:<sup>50</sup>

"The assertion that no statement had been made before the vote to the effect that this question could not be regarded as one of procedure does not alter the situation, because no statement to the contrary was made either."

At the request of the representatives of Australia and the USSR, the President's ruling that the matter was procedural was put to the vote. The President's ruling on this point was overruled.<sup>51</sup>

#### CASE 90

At the 57th meeting on 29 August 1946, in connexion with the applications of Albania and the Mongolian People's Republic for admission to the United Nations, the representative of the USSR requested a vote to determine whether the United States motion to postpone voting was a procedural matter. Before putting the United States motion to the vote, the President (Poland) stated:<sup>52</sup>

"At this point, we have to decide whether it is a matter of procedure or of substance, because in accordance with this decision we shall determine the results of the voting."

The President put to the vote the question whether the motion was a procedural matter before putting the United States motion to the vote.

#### CASE 91

At the 202nd meeting on 15 September 1947, in connexion with the Greek frontier incidents question, the President (USSR) stated that a vote on a draft resolution could not be taken without knowing whether the draft resolution was a procedural matter. The representative of Belgium proposed that the Security Council vote first on the draft resolution submitted by the representative of the United States.<sup>53</sup> The repre-

sentative of the United States explained this procedure in his statement in support of the Belgian proposal:

"Then, Mr. President, you would declare the result of that vote, whether it is passed or not passed. If it is not passed you would give your reason. If that reason should involve a question of whether or not it is procedural or substantive, that matter could then be put to the vote."

**Decision:** *The President (USSR) ruled that, before taking a decision on the United States draft resolution, the Council had to decide whether the matter was procedural.*<sup>54</sup> *The ruling was challenged by the representative of Belgium and put to the vote. There were 2 votes in favour, 8 against and 1 abstention.*

The President's ruling was overruled. The President, speaking "as the President and as the representative of the USSR", recalled the San Francisco Statement on Voting Procedure, and stated:

"... the question of whether a certain proposal is of procedural character or one of substance is regarded, according to this agreement, as a 'preliminary question' . . . and a decision on it should be taken before a decision is taken on the proposal itself."

The representative of the United Kingdom in reply recalled that, in connexion with the Spanish question, the

"... question was raised after the actual resolution or proposal had been voted upon. But 'preliminary' in that sense does not mean that on every occasion one must vote first on the question of whether it is substantive or procedural."

The representative of France maintained:

"It is only after a motion had been voted upon that one can tell if it should be defined whether it is a procedural or a substantive point. To explain: when a resolution is submitted and it is supported by seven members, including the five permanent members, no purpose is served by asking whether it is a procedural matter or a point of substance. It is, therefore, logical to begin by voting on the motion itself and to decide later whether it is a procedural or substantive matter."

The President, speaking as the representative of the USSR, considered the statements made by the representatives of the United Kingdom and France as contrary to the agreement reached at the San Francisco Conference.<sup>55</sup>

The Council voted upon the United States draft resolution before voting on the proposal that the matter was procedural.

#### CASE 92

At the 300th and 303rd meetings on 21 and 24 May 1948, in connexion with the Czechoslovak question, the President (France) stated that he could ask the Security Council either to vote first on the Chilean draft resolution itself, or to decide, in advance of the vote, whether the draft resolution should be considered a procedural matter. He proposed the latter method because a Presidential ruling on the vote on

<sup>49</sup> For texts of relevant statements see: 19th meeting: China, pp. 275-276; Egypt, pp. 274, 279-280; Netherlands, p. 277.

<sup>50</sup> For texts of relevant statements see: 49th meeting: President (Mexico), p. 418; USSR, pp. 413, 418.

<sup>51</sup> 49th meeting: pp. 421-422.

<sup>52</sup> 57th meeting: p. 130.

<sup>53</sup> 202nd meeting: p. 2395.

<sup>54</sup> 202nd meeting: p. 2397.

<sup>55</sup> For texts of relevant statements see: 202nd meeting: President (USSR), pp. 2394, 2397-2398, 2399; Belgium, p. 2395; France, p. 2399; United Kingdom, pp. 2398-2399; United States, p. 2395.

the draft resolution itself might not be in accordance with the views held by the majority. This choice was not to "constitute any kind of precedent". At the 303rd meeting the representative of Syria favoured taking a vote on the draft resolution first since, if it failed to get seven affirmative votes, there would be no need to go into the question whether it was a procedural matter. The representative of the USSR supported the procedure suggested by the President and added that, if "in spite of the result of the vote on the preliminary question", it was still desired to vote on the main draft resolution, the Council could then proceed to do so. The President stated that, unless the representative of Syria maintained his view, he would follow the procedure which he had proposed. The representative of Syria replied that he had no objection to the President's procedure.<sup>56</sup> The Council then voted first on the question whether the draft resolution should be considered procedural.<sup>57</sup>

## CASE 93

At the 505th and 506th meetings on 28 and 29 September 1950, in connexion with the complaint of armed invasion of Taiwan (Formosa), and the draft resolutions submitted by the representatives of Ecuador and the USSR to invite a representative of the People's Republic of China to participate in the discussion, the representative of China stated that, in view of the difference of opinion regarding the majority required, "the preliminary question must be determined first".

The President (United Kingdom) suggested that the Security Council should vote first and then discuss "whether the vote is valid or not". He explained:<sup>58</sup>

"... it may well be that none of the draft resolutions ... will be accepted. They may all be rejected. ... if one of the draft resolutions should be carried, the important question as to whether it is carried by a procedural or a substantive vote could then be examined quite dispassionately."

The Council voted on the draft resolutions at the 505th meeting on 28 September 1950. Since neither text received seven affirmative votes, the question of the majority required did not arise. When, however, the Ecuadorian draft resolution was resubmitted and put to the vote at the 506th meeting on 29 September 1950, there were 7 votes in favour, 3 against (2 votes against being those of permanent members) and 1 abstention. After the President had declared the resolution adopted, the representative of China requested the Council to take a decision on the majority required. The President granted the request at the 507th meeting on 29 September 1950.<sup>59</sup>

## 2. Consideration whether the decision that the matter is procedural is itself a procedural decision

## CASE 94

At the 49th meeting on 26 June 1946, in connexion with the Spanish question, the representative of the

<sup>56</sup> For texts of relevant statements see: 300th meeting: President (France), p. 37. 303rd meeting: President (France), pp. 18-19; Syria, pp. 1-2, 19; USSR, pp. 10-11.

<sup>57</sup> 303rd meeting: p. 19.

<sup>58</sup> For texts of relevant statements see: 505th meeting: President (United Kingdom), pp. 17, 19-20. 506th meeting: President (United Kingdom), p. 3; China,

p. 3.

<sup>59</sup> 507th meeting: pp. 4-5.

USSR objected to the statement of the President (Mexico) that a resolution had been adopted, notwithstanding the negative vote of a permanent member. The representative of Australia suggested that the Security Council vote on the President's ruling, while the representative of the USSR requested that his proposal as to whether the resolution was a procedural matter be voted upon. The President put his ruling that the resolution was a procedural matter to the vote, but stated that "the decision must be accepted by the five permanent members".

**Decision:** *There were 8 votes in favour of the ruling, 2 against (the 2 votes against being those of permanent members) and 1 abstention.*<sup>60</sup>

The President thereupon declared:

"The conclusion that I draw is that in accordance with the present circumstances, if it is to be decided whether a question is one of procedure or substance, it is necessary to accept one or another alternative by seven votes, but the five permanent members must concur. Here we have two of the permanent members deciding, against the others, that it is a question of substance."

The representatives of Australia and the Netherlands objected to the President's conclusion, observing that it was based on the San Francisco Statement on Voting Procedure and not on the Charter. The representative of Australia stated:

"... it is ... true that the sponsoring Powers at San Francisco gave a ruling to that effect; but ... that ruling was not accepted by any authority at San Francisco, not accepted by any committee, not accepted by any commission, and not accepted by the Conference in open session, and protests against its accuracy were made."

The representative of the USSR supported the President, contending that "all the permanent members of the Security Council are bound by the Declaration of the Four Powers at San Francisco to which France adhered".<sup>61</sup>

## CASE 95

At the 57th meeting on 29 August 1946, in connexion with the applications of Albania and the Mongolian People's Republic for admission to the United Nations, the President (Poland) ruled that the United States motion to postpone voting was a procedural matter. The representative of the USSR requested a vote on the question whether the motion was a procedural matter. He stated:

"I would like to remind the Security Council of the declaration by the Five Powers at the San Francisco Conference to the effect that the representatives of all the States who are permanent members of the Security Council cannot fail to agree that if any one of the permanent members of the Security Council objects to any particular proposal being regarded as procedural, no positive decision can be made."

The President replied:<sup>62</sup>

<sup>60</sup> 49th meeting: pp. 421-422. <sup>61</sup> For texts of relevant statements see: 49th meeting: President (Mexico), pp. 421, 421-422; Australia, p. 425; Netherlands, p. 422; USSR, p. 424. <sup>62</sup> For texts of relevant statements see: 57th meeting: President (Poland), pp. 127, 131, 132; Australia, pp. 134, 135; France, p. 135; Netherlands, pp. 132, 133, 135; USSR, pp. 130, 132-133.

"I want to state that there is in my mind no question that, in view of the fact that the representative of the Soviet Union has questioned the vote, in order to decide whether something is a matter of procedure or not, the concurrent vote of all the permanent members is necessary. The Charter is quite clear in that respect, as is the San Francisco commentary on this point by the original sponsoring powers."

**Decision:** *The President asked "those who believe it is a matter of procedure to raise their hands". There were 5 votes in favour, 4 against (the 4 votes against being those of permanent members) and 2 abstentions.*

The President then announced: "In order to declare that it is a matter of procedure, it requires the concurring votes of all the permanent members."<sup>63</sup> The representative of France "put in a reservation regarding the interpretation which [the representative of the USSR] placed on the San Francisco declaration". The representatives of Australia and the Netherlands asked to go on record as disagreeing with the Presidential ruling.

## CASE 96

At the 114th meeting on 27 February 1947, in connexion with the Corfu Channel question, the representative of the USSR objected to the contention that the draft resolution to appoint a sub-committee was a procedural matter. Recalling the San Francisco Statement on Voting Procedure, he stated:

"A decision on this question can be considered as adopted only with the concurring votes of the permanent members of the Security Council."

The representative of the United States observed that the attitude of the United States with regard to the obligations or stipulations of that Statement was substantially the same as that of the Soviet Union.

No vote was taken on the preliminary question.<sup>64</sup>

## CASE 97

At the 202nd meeting on 15 September 1947, in connexion with the Greek frontier incidents question, the representative of the United States objected to the statement of the President (USSR) that the United States draft resolution had been rejected because of the negative vote of a permanent member. He requested that the question whether the matter was procedural be voted upon. Recalling the discussion at San Francisco between the sponsoring Powers, the President, speaking "as the President and as the representative of the USSR", stated:

"... a decision was reached whereby if a question arises as to whether a certain proposal is of a procedural character or a substantive character, the affirmative decision that the proposal is procedural can be taken only when there are concurrent votes of all five permanent members of the Security Council. This agreement among the five Governments was expressed in a special statement approved by all five Governments."

While disagreeing with the President as regards the nature of the United States draft resolution, the representative of the United Kingdom replied:

"I fully accept the principle of that statement which was read to us by the representative of the Soviet Union."

**Decision:** *The President put to the vote the proposal that the United States draft resolution was a procedural matter. There were 8 votes in favour, 2 against (1 vote against being that of a permanent member) and 1 abstention.<sup>65</sup>*

The President ruled: "I consider that the proposal is rejected since one of the permanent members of the Security Council voted against it."

The representative of Australia stated:

"What the President is in effect relying on is an agreement between the five permanent members at San Francisco that is nowhere in the Charter. It was never put up to the other fifty members. It does not bind this Council. It does not bind the United Nations. I, for one, do not see how it can apply here now."

The President replied:

"... the agreement to which I made reference... does not bind any countries other than the five permanent members of the Security Council."

The representative of Poland was of the opinion that inasmuch as the San Francisco Statement on Voting Procedure did not bind the non-permanent members of the Council, it could not be invoked in deciding the preliminary question. Quoting the text of Article 27, the representative of Poland stated:

"... I do not think it is absolutely necessary to go into the matter of that agreement because the Charter provides us with a very clear statement..."

"Obviously, whether the matter is procedural or not is not a procedural matter. Consequently, paragraph 3 of Article 27 applies, and I think there is no need to invoke in any way, or even discuss the agreement among the five permanent members."

The representative of the United States supported the President and stated:<sup>66</sup>

"I think there is no doubt that under the existing agreements and under the Charter the President has been within his technical rights in deciding that this matter was, from his point of view, not a question of procedure."

## CASE 98

At the 288th meeting on 29 May 1948, in connexion with the Czechoslovak question, a difference of opinion arose as to whether a draft resolution to appoint a sub-committee to receive or hear evidence, statements and testimonies was a procedural matter. In view of the disagreement, the representative of the USSR requested that the question whether the matter was procedural should be decided by the procedure laid down in the San Francisco Statement on Voting Procedure. He stressed that, according to that agreement, a matter could only be decreed procedural "by a vote of seven members of the Security Council, including the concurring votes of the permanent members".

The representative of the United States expressed the view that part II of the Statement concerning the

<sup>63</sup> 202nd meeting: p. 2400.

<sup>64</sup> For texts of relevant statements see:

202nd meeting: President (USSR), pp. 2397-2398, 2400, 2401; Australia, p. 2400; Poland, p. 2401; United Kingdom, p. 2398; United States, p. 2401.

<sup>65</sup> 57th meeting: p. 132.

<sup>66</sup> For texts of relevant statements see:

114th meeting: USSR, pp. 427-428; United States, p. 430.

vote to decide whether a matter was procedural could not apply to matters which were clearly procedural. He stated:

"...the Charter itself contains a clear indication that this type of matter is procedural. The express provisions of part I of the Four-Power Statement are to the same effect. It is quite obvious that it would be a misuse of the Four-Power Statement to resort to the preliminary determination under part II, paragraph 2, for the express purpose of evading the provisions of part I of the same Statement. To hold otherwise is to make ridiculous part I.

"Also, the effect of such a contention is to minimize the area governed by procedural votes under Article 27, paragraph 2 of the Charter. This section of the Charter has no meaning if it is possible for a permanent member of the Security Council to prevent utilization of the voting procedure contemplated in this connexion on any question without regard to the usual meaning of the word 'procedural', and without regard to the clear indications in the Charter of those matters which were intended to be procedural. Under such an interpretation, Article 27, paragraph 2 might just as well have been omitted."

The representative of Argentina observed that the Charter, which was the only document binding on all Members of the United Nations, made no mention of any procedure to decide the preliminary question. He reminded the Council that under Article 18, when the General Assembly has to decide whether a question is important or not, the decision is made by a simple majority. He concluded:

"Consequently, I maintain that if there is any doubt as to whether paragraph 2 or paragraph 3 of Article 27 is applicable, the majority required to settle that doubt is only any seven votes, so that there may be some conformity between the provisions governing the Security Council and those governing the General Assembly."

At the 300th meeting on 21 May 1948, the representative of Canada questioned the validity of the San Francisco Statement when read in the light of Article 103 of the Charter. He stated:

"If the Four-Power Declaration is regarded by the permanent members as in some sense constituting an international agreement, then surely the obligations, under the Charter, of the permanent members of the Security Council shall, as stated in Article 103, prevail over any obligations assumed under the Four-Power Declaration or 'any other international agreement'."

The representative of the USSR replied to the representatives of Argentina and Canada:

"The Declaration is an interpretation of the provisions of the Charter. It would therefore be altogether unjustifiable to set the obligations assumed under the Five-Power Declaration against those assumed under the Charter."

The representative of the United States reiterated a statement made by a member of his delegation to the First Committee of the General Assembly to the effect that the San Francisco Statement on Voting Procedure "was a statement of general attitude" and "did not purport to be an agreement, much less an agreement binding in perpetuity."

Before putting the preliminary question to the vote, the President (France) declared:

"...the President, as a representative of a permanent member of the Security Council, cannot ignore the San Francisco Declaration.

"..."

"...in the circumstances, the final provision of the Declaration, according to which the concurring vote of the five permanent members is necessary to decide whether a question is a matter of procedure, retains its importance."

**Decision:** *The President put to the vote the following question: "Should the vote to be taken on the draft resolution be considered a procedural vote?" There were 8 votes in favour, 2 against (1 vote against being that of a permanent member) and 1 abstention. The President stated, "I interpret the vote which has just taken place as a decision to consider the vote on the resolution as one of substance."*<sup>67</sup>

The representatives of Argentina, Belgium, Canada and Colombia challenged the President's ruling on the grounds that it was based on the San Francisco Statement. The challenge to the ruling was put to the vote. The ruling was upheld. The representative of the United States declared that he could not agree that a procedural matter could be transformed by the use of the so-called "double veto" and stated that his Government did not recognize this act as a precedent. At the 305th meeting on 26 May 1948, after the Chilean draft resolution had been rejected because of the negative vote of a permanent member, the representative of the United Kingdom declared:<sup>68</sup>

"...I am shocked at his misuse of the double veto... my Government stands by the San Francisco Declaration, although I do not know how it will be affected by the Union of Soviet Socialist Republics representative's use of one of its paragraphs to nullify another paragraph of the same document."

#### CASE 99

At the 505th, 506th and 507th meetings on 28 and 29 September 1950, in connexion with the complaint of armed invasion of Taiwan (Formosa), the representative of China contended that a draft resolution to invite a representative of the People's Republic of China to participate in the discussion was non-procedural, while other members maintained that it was a procedural matter under the rules of procedure and the San Francisco Statement on Voting Procedure. As regards the bearing of the San Francisco Statement, the representative of China observed that part I refers "to the invitation of someone who is not a member of the Council" as a procedural matter; China, he added, was a member. He contended that since there was a difference of opinion, the procedure laid down in part II of the Statement should be applied. He recalled that in the past members had differed in the interpretation of the Statement. "Some members

<sup>67</sup> 303rd meeting: pp. 19, 21.

<sup>68</sup> For texts of relevant statements see:

288th meeting: Argentina, pp. 26-27; Syria, p. 23; USSR, pp. 21-22; United States, pp. 24-25.

300th meeting: Canada, pp. 40-41; USSR, pp. 41-42; United Kingdom, p. 38.

303rd meeting: President (France), pp. 19-20; Argentina, p. 21; Belgium, p. 23; Canada, pp. 21-22; Colombia, p. 23; Ukrainian SSR, p. 3; United States, pp. 5-6.

305th meeting: United Kingdom, p. 33.

have stressed the importance of part I, paragraph 2; other members have stressed the importance of part II, paragraph 2." He reminded the members of the Council that, in connexion with the Czechoslovak question, the Council upheld the presidential ruling that a matter was non-procedural notwithstanding that the question was specifically mentioned in the San Francisco Statement as a procedural matter. The representative of China insisted that a vote be taken on the preliminary question.

**Decision:** *At the 507th meeting, the President (United Kingdom) declared: "The Council will now vote on whether it regards the vote taken this morning on the Ecuadorean resolution as procedural." There were 9 votes in favour, 1 against (the vote against being that of a permanent member) and 1 abstention. The President declared the proposal adopted.*<sup>69</sup>

The representative of China objected to the President's interpretation of the vote and, after quoting as precedents the proceedings of the Council in connexion with the Spanish question, the Greek frontier incidents question, and the Czechoslovak question, stated that the situation was covered by the San Francisco Statement on Voting Procedure, which provided that, should a difference of opinion arise, the decision whether a matter was procedural had to be taken with the concurring votes of the permanent members.

The President stated:

"The position is that a vote which is regarded as procedural by no less than nine members of the Security Council, for what seems to me, and, I suggest, to all reasonable people, to be patently valid reasons, is pronounced as substantive by one of our permanent members.

"I think that if such a situation as this is allowed to stand, a very grave precedent will have been created which may well impede the whole functioning of the United Nations in the future. I do not believe, therefore, that in the general interests of all of us it should be allowed to stand, and I consequently rule as President that, notwithstanding the objection of our Chinese colleague, the vote which the Council took this morning on the Ecuadorean resolution is procedural."

The representative of China considered the ruling of the President *ultra vires* and suggested that the following question be put to the International Court of Justice:

"... in view of the statement of 7 June 1945 by delegations of four sponsoring governments on voting procedure in the Security Council and in view of the precedents of the Council, is the claim of the representative of China to veto paragraph (b) of the operative part of the proposal of Ecuador of 29 September 1950 justified?"

**Decision:** *The President put to the vote the challenge to his ruling. There having been no votes in favour, none against and no abstentions, the President declared that his ruling stood.*<sup>70</sup>

The representative of China explained that he had not participated in the vote because it was itself illegal

Supporting the ruling of the President, the representative of the United States stated:<sup>71</sup>

"Section II, paragraph 2 of the San Francisco Declaration was never intended, and cannot properly be construed, as giving the five permanent members of the Security Council the right to use the device of the double veto to determine unilaterally as non-procedural, matters which according to the Charter, or by agreement contained in part I of the San Francisco Declaration, are procedural."

### 3. Consideration of the use of rule 30 of the provisional rules of procedure of the Security Council in determining whether a matter is procedural

#### CASE 100

At the 49th meeting on 26 June 1946, in connexion with the Spanish question, the President (Mexico) ruled that a resolution had been adopted, notwithstanding the negative vote of a permanent member. The representative of the USSR objected to the President's interpretation and submitted a proposal "as to whether the resolution in question is to be regarded as procedural or as a resolution affecting questions of substance". The representative of Australia contended that the vote should be upon the President's ruling that it was a procedural matter, and that, in accordance with the rules of procedure, it should stand, unless overruled. The President, before putting his ruling to the vote, stated:

"According to the rules of this Council, my ruling is going to be voted on and it is necessary to have the concurring vote of the five permanent members."

**Decision:** *The President put his ruling to the vote by asking: "Those who are in favour of the ruling that this is a question of procedure, please raise their hands." There were 8 votes in favour of the ruling, 2 against (the 2 votes against being those of permanent members) and 1 abstention. The President concluded that, since two permanent members had voted against his ruling, the matter was non-procedural.*<sup>72</sup>

The representative of Australia observed that "in spite of the fact that the President's ruling ... was upheld ... the President now rules, as a result of those two dissenting votes, that it is not a question of procedure." He considered this ruling "most important".<sup>73</sup>

#### CASE 101

At the 57th meeting on 29 August 1946, in connexion with the applications of Albania and the Mongolian People's Republic for admission to the United Nations, the President (Poland) ruled that the motion to postpone voting was procedural. The representative of the USSR objected to the ruling and requested that the Council decide whether the motion was procedural.

<sup>69</sup> For texts of relevant statements see:

505th meeting: China, pp. 18-19.

506th meeting: China, pp. 5-6; United States, pp. 13-14.

507th meeting: President (United Kingdom), p. 5; China, pp. 5 and 5-6; United States, pp. 9-10.

<sup>70</sup> 49th meeting: pp. 421-422.

<sup>71</sup> For texts of relevant statements see:

49th meeting: President (Mexico), pp. 421, 421-422; Australia, pp. 421, 424-425; USSR, p. 418.

<sup>69</sup> 507th meeting: pp. 4-5.

<sup>70</sup> 507th meeting: pp. 7-8.

As regards the procedure to be followed in voting on the question, the representative of the Netherlands stated:

"Mr. President . . . I heard you say that in your opinion, it was a question of procedure. I take that to be your ruling as President. Rule 30 of the rules of procedure says that if such a ruling is challenged, and it has been challenged by the representative of the Soviet Union, the President shall submit his ruling to the Security Council for immediate decision, and it shall stand, unless overruled."

The representative of the USSR stated:

"... a decision on the question whether any particular proposal is a matter of procedure or substance can only be made as a positive decision, if there are seven votes of the members of the Security Council in favour of it, including all the votes of the permanent members."

Before putting the preliminary question to the vote, the President stated:

"... my ruling that it is a matter of procedure was taken in order to maintain the continuity of presidential rulings..."

**Decision:** *The President requested "all those who believe that it is a matter of procedure to raise their hands". There were 5 votes in favour, 4 against (the 4 votes against being those of permanent members), and 2 abstentions.<sup>74</sup>*

The President ruled that the Council had voted to consider the main motion a non-procedural matter, since the concurring votes of the permanent members were necessary to declare the matter procedural. The representative of the Netherlands agreed with the President that the concurring votes of the permanent members were required, but, he contended:

"... your ruling is that it is a matter of procedure. In order to be overruled, the person or the representative who moves that it is not a matter of procedure must have the five concurring votes of the permanent members, and I submit that he has not got them."

The President observed that he had asked whether the members supported his ruling that the matter was procedural, and not the opposite. As four permanent members had voted against the ruling, it had not been upheld. The representative of Australia was of the opinion that, according to rule 30 of the provisional rules of procedure, a majority was required to overrule; therefore the President's ruling that the matter was procedural stood. The President formulated his conclusion in the form of the following ruling:

"According to my interpretation of the results of the vote just taken, I shall hold to the opinion that this is not to be considered a matter of procedure, and I would like those members of the Council who so desire to challenge this ruling."

The representative of the United States accepted the ruling "for *ad hoc* purposes" without any commitment regarding the "important matter of principle". The representatives of Australia and the Netherlands, although not challenging it, asked to go on record as disagreeing with the ruling.<sup>75</sup>

<sup>74</sup> 57th meeting: p. 132.

<sup>75</sup> For texts of relevant statements see:

57th meeting: President (Poland), pp. 127, 132, 133, 134, 135; Australia, pp. 134, 135; Netherlands, pp. 130, 132, 135; USSR, pp. 130-131; United States, p. 134.

## CASE 102

At the 114th meeting on 27 February 1947, in connexion with the Corfu Channel question, the President (Belgium) cited rule 30 of the provisional rules of procedure, and ruled that the pending draft resolution did not fall under Chapter VI of the Charter. The representative of the USSR objected to the President's application of rule 30 and maintained:

"... the President is not entitled to settle the question whether the decision we have to take is a matter of procedure or not."

The President observed that he had not referred to the question whether it was a procedural or non-procedural matter, but to whether the draft resolution was within the scope of Chapter VI. The representative of the USSR indicated that he would not press for a vote on the preliminary question, inasmuch as he did not wish to hinder the adoption of the main draft resolution.<sup>76</sup>

## CASE 103

At the 202nd meeting on 15 September 1947, in connexion with the Greek frontier incidents question, the President (USSR) stated that the Security Council would "follow the procedure defined in paragraph 3 of Article 27" in voting on the United States draft resolution. The representative of the United States declared:

"My delegation is obliged to challenge the ruling of the President that our draft resolution concerns a matter of substance rather than of procedure."

In supporting a proposal to vote first on his draft resolution, the representative of the United States added:

"The President could then pronounce his ruling as to whether it is a matter of substance or procedure, and we could debate whether the Council sustains him on that..."

The representative of Australia also contended that the President had ruled on the question whether it was a procedural matter. The President in reply to these statements maintained that he had only expressed his "opinion". He declared:

"... whether any proposal is one of a procedural character or one of substance is not subject to a ruling of any President of the Security Council. The President can only make a ruling on a point of order. The President cannot decide that the question is one of substance or procedure."

The Council voted first on the United States draft resolution. After the vote the President stated:

"I rule that this resolution is rejected because one of the permanent members of the Security Council voted against it."

The representative of the United States stated his challenge in the following manner:

"I would ask the President to accept the challenge which my delegation has put forward and to submit the matter again to be voted upon by the Council."

The President announced: "The vote is upon the proposal that the question is one of procedure." There

<sup>76</sup> For texts of relevant statements see:

114th meeting: President (Belgium), p. 426; USSR, pp. 427-428.

were 8 votes in favour, 2 against (1 vote against being that of a permanent member) and 1 abstention. He interpreted the results of the vote in the following words:

"I make the ruling that the last proposal, the proposal to consider the United States resolution to be of a procedural character, was rejected since one of the permanent members of the Security Council voted against it. Until I am overruled, this ruling stands."

This ruling was not challenged.<sup>77</sup>

#### CASE 104

At the 303rd meeting on 24 May 1948, in connexion with the Czechoslovak question, the President (France) put the following question to the vote: "Should the vote to be taken on the draft resolution be considered a procedural vote?" There were 8 votes in favour, 2 against (1 vote against being that of a permanent member) and 1 abstention.<sup>78</sup> The President ruled that the Security Council had decided to consider the main draft resolution non-procedural, as a result of the negative vote of a permanent member.<sup>79</sup> The ruling was challenged by the representatives of Argentina, Belgium, Canada and Colombia.

In reply to a question concerning the voting procedure to be followed on the vote on the challenge, the President (France) stated:

"... rule 30 of the rules of procedure was applicable, as I think we are dealing here with a point of order."

The representative of the USSR objected to this procedure, and stated:

"If the representative of any country were presiding over the Security Council and, in spite of the fact that one of the permanent members of the Council had voted against the proposal to consider the Chilean resolution as procedural, ruled that the resolution was procedural after all, his ruling would be legally invalid. The alternative would be that the question as to whether the resolution was procedural or non-procedural would, by the process of voting, by various stages be reduced to a point of order, which would be an absurdity."

The representative of Argentina observed:<sup>80</sup>

"Rule 30 of our rules of procedure makes no distinction, and it cannot be conceded that the President's ruling may be challenged on some occasions and not on others."

Before putting the challenge to his ruling to the vote, the President stated:

"The question submitted to the Council is essentially one connected with the application of the San Francisco Declaration. My interpretation was made in accordance with the Declaration which the permanent members adopted at San Francisco."

<sup>77</sup> For texts of relevant statements see: 202nd meeting: President (USSR), pp. 2390, 2391, 2394, 2400, 2401; Australia, p. 2392; United States, pp. 2390-2391, 2394, 2400.

<sup>78</sup> 303rd meeting: p. 19.

<sup>79</sup> 303rd meeting: p. 21.

<sup>80</sup> For texts of relevant statements see: 303rd meeting: President (France), pp. 23, 24, 25, 26; Argentina, p. 24; Belgium, p. 23; Canada, pp. 21-22; China, p. 27; Colombia, p. 23; Syria, p. 4; USSR, pp. 23-24, 27; United States, pp. 29-30.

**Decision:** *The President put the question to the vote in the following form: "Will those who object to my interpretation [of the vote on the preliminary question] raise their hands?" There were 6 votes in favour of rejecting the ruling (one vote in favour being that of a permanent member), 2 against (one vote against being that of a permanent member) and 3 abstentions.*

*The President's ruling was upheld, the motion for its rejection having failed to obtain the affirmative votes of seven members.<sup>81</sup>*

The representative of the USSR contended that, in voting against the presidential ruling, the representative of China had acted contrary to the obligations assumed by the signatories of the San Francisco Statement on Voting Procedure. The representative of China replied that he had voted against the ruling because he considered that it was based on a mistaken interpretation of the main proposal, namely, that it called for an investigation. He also observed that it was possible for the permanent members to be bound by the Statement and differ as to its interpretation. The representative of the United States explained that he had abstained on the vote on the challenge to the presidential ruling, notwithstanding the fact that the matter was clearly procedural, because "when the challenge is made to the ruling of the President, we are obliged, as I see it, to vote as we did".

#### CASE 105

At the 325th meeting on 22 June 1948, in connexion with the third report of the Atomic Energy Commission, the President (Syria) stated that the pending draft resolution was a procedural matter. In objecting to the statement by the President, the representative of the USSR stated:

"... the statement or agreement concluded between the five Powers cannot be the subject of a President's individual interpretation... The statement remains unaffected by anything the present President or any other President may have said."

The President replied as follows:<sup>82</sup>

"When the President of the Security Council has views that conflict with the permanent members... certainly the President of the Security Council has to use his own theory and make a declaration accordingly. Then, if that declaration is challenged it will be put to the vote, and the permanent members are free to vote against it, if the ruling is not in their favour."

The representative of the USSR indicated, however, that he would not request that a vote be taken on the preliminary question. He abstained from voting on the draft resolution.

#### CASE 106

At the 505th meeting on 28 September 1950, in connexion with the complaint of armed invasion of Taiwan (Formosa), the representative of China stated that the draft resolutions submitted by the representatives of Ecuador and the USSR to invite the People's Republic of China to take part in the discussion were

<sup>81</sup> 303rd meeting: pp. 26-27. The original S/PV, records the President as stating: "Dans ces conditions, la décision que j'ai prise subsiste." S/PV. 303, French, p. 76.

<sup>82</sup> For texts of relevant statements see: 325th meeting: President (Syria), pp. 17, 18; USSR, pp. 17-18.



non-procedural, and that, in the event of a difference of opinion, the question was not subject to a presidential ruling and could only be decided by a vote of the Security Council according to the San Francisco Statement on Voting Procedure.

At the 507th meeting on 29 September 1950, the President (United Kingdom) asked the Security Council to "vote on whether it regards the vote taken this morning on the Ecuadorean resolution as procedural". There were 9 votes in favour, 1 against (the vote against being that of a permanent member) and 1 abstention.<sup>83</sup>

After the President had declared the proposal adopted, the representative of China objected that his negative vote prevented the proposal to regard the question as procedural from being adopted. The President made the following statement:

"... I consequently rule as President that, notwithstanding the objection of our Chinese colleague, the vote which the Council took this morning on the Ecuadorean resolution is procedural."

The representative of China:

"I think the ruling of the President is *ultra vires*.

"... in the first place, I want to protest against the arbitrary ruling of the President. In the second place, I offer to the Security Council a proper and legal way of settling the question by sending it to the International Court of Justice and asking that body for an advisory opinion."

In reply to the President's interpretation of this statement to the effect that his ruling had not been challenged, though it had been described as arbitrary, the representative of China stated:

"When I offered to submit this question to the International Court of Justice, it was obvious that I could not agree that the present ruling should stand. The question to be submitted to the International Court of Justice is precisely that ruling."

The President interpreted the remarks of the representative of China as a challenge to his ruling. After citing the provisions of rule 30 of the rules of procedure, the President stated:

<sup>83</sup> 507th meeting: p. 4.

"The President's ruling has been challenged and must stand unless it is overruled. Therefore, subject to whatever the Chinese representative or any other representative wishes to state, I shall put that challenge to the vote."

The representative of China declared:

"The President and the other representatives in the Council know very well that a matter of this kind is not subject to a Presidential ruling. The President and the other representatives know full well that the device of a Presidential ruling is a clever but unsound manoeuvre, because the President knows he has seven votes to uphold his ruling. I think such tactics are unworthy of the great responsibility which rests on this body."

**Decision:** *The President put his ruling to the vote in the following form: "I ... put to the vote the challenge to my ruling and ask those members who are in favour of overruling my decision to please raise their hands."*

*There were no votes in favour, none against and no abstentions.*

*The President declared that, since there had been no vote in favour of overruling his decision, it stood.<sup>84</sup>*

The representative of China made the following statement:

"I did not choose to participate in a vote which is in itself illegal. I wish to have it recorded that the President's action is arbitrary and that the decisions he has arrived at are illegal and therefore invalid."

The representative of Egypt stated:<sup>85</sup>

"Although I entertain some doubts that the matter upon which the President has given a ruling was of a nature to make it subject to a decision through a mere ruling by him, I did not want and I thought it proper not to challenge his ruling."

<sup>84</sup> 507th meeting: pp. 7-8.

<sup>85</sup> For texts of relevant statements see:

505th meeting: China, p. 17.

507th meeting: President (United Kingdom), pp. 4, 7, 10; China, pp. 5, 6, 7, 8; Egypt, p. 10; United States, p. 10.

### Part III

#### ABSTENTION AND ABSENCE IN RELATION TO ARTICLE 27 (3) OF THE CHARTER

##### NOTE

By Article 27 (3) of the Charter the affirmative vote of seven members for decisions on matters other than procedural must include the concurring votes of the permanent members. Part III concerns the application of this requirement

- (i) In the light of the proviso of Article 27 (3);
- (ii) When a permanent member voluntarily abstains;
- (iii) When a permanent member is absent.

##### OBLIGATORY ABSTENTION

The proviso of Article 27 (3) provides that

"In decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting."

There have been occasions on which this requirement has been met in that a member of the Council has abstained from voting or has been recorded as not participating in the vote,<sup>1</sup> when the decision was taken by the Council (Cases 107-114). These occasions are presented in section A.1. There have also been occasions on which the question of abstention in accordance with the proviso of Article 27 (3) has been raised, and significant discussion has ensued. These cases of discussion are presented separately in section A.2.

In the proceedings regarding the obligation of a member to abstain as a party to a dispute, various problems involved in the application of the proviso of Article 27 (3) have arisen, mainly in the earlier meetings of the Council. Such problems related to the

<sup>1</sup> On non-participation in voting, see chapter I, part VI, Note.

questions: (1) whether the matter under consideration was a dispute within the meaning of the proviso (Cases 116 and 117); (2) whether the decision to determine whether a question was a dispute was itself a procedural matter (Case 117); (3) how it should be decided whether a member was a party to a dispute (Case 120); and (4) what was the range of the decisions on which a member must abstain as a party to a dispute (Cases 115, 116 and 118).

Information on these problems has been included in the case histories of discussion, which have been arranged in simple chronological order.

#### VOLUNTARY ABSTENTION

Section B commences with a list of those occasions on which it would appear that a permanent member has abstained considering that no affirmative decision could be taken if he voted against the proposal. Since these occasions cannot with certainty be distinguished from instances of abstention on procedural matters, the list has been denoted: "Certain cases in which permanent members have abstained otherwise than in accordance with the proviso of Article 27 (3)." The entry is restricted to a reference by means of which the decision may be identified in the record of decisions in chapters VII, VIII and IX.

The list is limited to certain instances of abstention by permanent members of the Council, since where members abstaining were non-permanent members of the Council, their abstentions could not have prevented a decision of the Council unless all permanent members had cast an affirmative vote and the number of non-permanent members abstaining had been in excess of four. On the same grounds cases of abstention from voting by a permanent member when fewer than seven affirmative votes were cast in favour of a proposal, or when the matter was unanimously regarded as procedural, have been excluded.

Since the effect of abstention by permanent members has been discussed not only on certain of the occasions listed, but on other occasions as well, the consideration of the practice of abstention has been brought together separately from the listing of the relevant decisions.

That the practice of abstention of a permanent member does not preclude satisfaction of the requirements of Article 27 (3) has been affirmed in presidential rulings (Cases 183, 186 and 187) and by all the permanent members. One permanent member has placed before the Committee of Experts a proposal to embody this practice in a rule of procedure (Case 184). Certain non-permanent members of the Council have occasionally expressed doubts regarding the legality of decisions taken when a permanent member has abstained, on the grounds that the procedure fails to satisfy the requirements of the Charter (Cases 185, 187 and 188). The validity of the decisions so taken has not, however, been challenged.

#### ABSENCE OF A PERMANENT MEMBER

Section C concerns proceedings relating to the absence of, and the decisions taken in the absence of a permanent member. In connexion with the listing of the relevant decisions, the circumstances of absence are briefly recalled. Observations on the effect of the absence of a permanent member on the application of Article 27 are included in separate case histories.

#### A. OBLIGATORY ABSTENTION

##### I. Cases in which members have abstained in accordance with the proviso of Article 27 (3)

###### CASE 107

At the 122nd meeting on 25 March 1947, in connexion with the Corfu Channel question, a draft resolution submitted by the representative of the United Kingdom to make recommendations for the settlement of the dispute was put to the vote as amended. The representative of Syria abstained. After the vote had been taken, the representative of the United Kingdom stated, "There is only one abstention. I am not voting."<sup>2</sup>

###### CASE 108

At the 127th meeting on 9 April 1947, in connexion with the Corfu Channel question, a draft resolution submitted by the representative of the United Kingdom to recommend the reference of the dispute to the International Court of Justice was put to the vote. The representative of the United Kingdom did not participate in the vote.<sup>3</sup>

###### CASE 109

At the 198th, 200th and 201st meetings on 28 August, 29 August and 10 September 1947, in connexion with the Egyptian question, draft resolutions concerning the resumption of direct negotiations submitted by the representatives of Brazil,<sup>4</sup> Colombia<sup>5</sup> and China,<sup>6</sup> and amendments thereto, were put to the vote. The representative of the United Kingdom did not take part in the voting.<sup>7</sup> In the course of the discussion, the representative of the United Kingdom stated: "I do not have a vote."<sup>8</sup>

###### CASE 110

At the 471st meeting on 12 April 1950, in connexion with the India-Pakistan question, the President (Egypt) put to the vote the appointment of Sir Owen Dixon as United Nations representative for India and Pakistan. The representative of India abstained on the vote. The President stated: "India is one of the countries abstaining, and I suppose that it considers its abstention as non-participation in the vote, on the ground that India is an interested party." The representative of India confirmed "the President's interpretation of India's abstention in the vote, in accordance with Article 27 of the Charter".<sup>9</sup>

###### CASE 111

At the 524th meeting on 17 November 1950, in connexion with the Palestine question, the Security Council voted upon a joint draft resolution submitted by the representatives of France, the United Kingdom and the United States,<sup>10</sup> to indicate certain steps to be taken by the Chief of Staff of the Truce Supervision Organization and to remind Israel, Jordan and Egypt

<sup>2</sup> 122nd meeting: p. 609.

<sup>3</sup> S/324, 127th meeting: p. 727.

<sup>4</sup> S/507, 189th meeting: pp. 2108-2109.

<sup>5</sup> S/530, 198th meeting: p. 2305.

<sup>6</sup> S/547, 201st meeting: p. 2344.

<sup>7</sup> 198th meeting: pp. 2302-2305; 200th meeting: pp. 2338-2340; 201st meeting: p. 2362.

<sup>8</sup> 201st meeting: p. 2348.

<sup>9</sup> For texts of relevant statements see:

471st meeting: President (Egypt), pp. 5-6; India, p. 11.

<sup>10</sup> S/1899, 522nd meeting: pp. 15-17; 524th meeting: p. 15.

of their obligations under the Charter and under the Armistice Agreements.

Before the vote was taken, the representative of Egypt stated:<sup>11</sup>

"...I have decided that, as a result of much thinking as to whether this matter is a dispute or a situation, and recalling what the doctrinaires have written about this question and its precedents or rather its lack of precedents, and in order to allay the legal worries of everybody, I shall abstain from voting by virtue of Article 27, paragraph 3 of the Charter. That abstention, of course, will not be the usual abstention, and it will not indicate my opinion as to the subject matter on which the Council is called upon to vote.

"... it will be clearly understood that if I abstain from voting today, that will not be binding at all as a legal position for the future with respect to my Government."

#### CASE 112

At the 539th meeting on 30 March 1951, in connexion with the India-Pakistan question, the President (Netherlands) put to the vote a revised joint draft resolution submitted by the representatives of the United States and the United Kingdom.<sup>12</sup> The representative of India abstained. After the vote had been taken, the representative of India stated: "India has abstained from voting in accordance with Article 27, paragraph 3 of the Charter."<sup>13</sup>

#### CASE 113

At the 543rd meeting on 30 April 1951, in connexion with the India-Pakistan question, the President (Netherlands) put to the vote the appointment of Mr. Frank P. Graham as United Nations representative for India and Pakistan. The representative of India abstained. After the vote had been taken, the representative of India stated:<sup>14</sup>

"I abstained from voting under Article 27 of the Charter... The proposed appointment is part of a decision under Chapter VI relating to the pacific settlement of disputes. As India was a party to the dispute, I abstained from voting."

#### CASE 114

At the 548th meeting on 29 May 1951, in connexion with the India-Pakistan question, the representative of the United Kingdom proposed that the President (Turkey) should address a letter to the two Governments transmitting and reaffirming the views of the Security Council. The representative of India abstained. Before the text was put to the vote, the representative of India indicated that he would, as a party to the dispute, abstain under Article 27 (3).<sup>15</sup>

## 2. Consideration of abstention in accordance with the proviso of Article 27 (3)

#### CASE 115

At the 3rd meeting on 28 January 1946, in connexion with the Iranian question, the Security Council

<sup>11</sup> 524th meeting: pp. 7-8.

<sup>12</sup> S/2017/Rev.1, O.R., 6th year, Suppl. for Jan., Feb., and March 1951, p. 25.

<sup>13</sup> 539th meeting: p. 15.

<sup>14</sup> 543rd meeting: p. 4.

<sup>15</sup> 548th meeting: p. 23.

considered the letter dated 19 January 1946 from the representative of Iran which described the Iranian question as "a situation... which may lead to international friction".<sup>16</sup> After the States directly concerned had been heard, the President (Australia) stated:<sup>17</sup>

"May I indicate at this stage to the representative of the USSR delegation that, in view of the statement which has been made to the Council and the text of the written statement as well as the oral statement made by the Iranian representative today, there is a question whether a dispute exists. If the Council should accept the view that there is a dispute, then under the terms of paragraph 3 of Article 27, since the Soviet Union is named as the other party to this dispute, it will not be possible for the representative from the Soviet Union to exercise a vote during the consideration of this particular debate, in any of the decisions referred to in that paragraph. This does not apply, of course, to decisions on procedure or matters under paragraph 2 of Article 27."

#### CASE 116

At the 7th meeting on 4 February 1946, in connexion with the Greek question, the Security Council considered two proposals submitted by the representatives of Egypt and Poland to take note of the declaration of the representative of the United Kingdom that British troops would be withdrawn from Greece.<sup>18</sup> The Greek question had been submitted to the Council by the representative of the USSR, by letter dated 21 January 1946, "to discuss... the situation which has arisen in Greece" by the presence of British troops.<sup>19</sup>

When the President (Australia) put the Polish proposal to the vote, the representative of the Netherlands inquired whether "the parties to the dispute vote in this matter". The President replied:

"The Council has not declared the matter to be a dispute, and at such time as the Council declares any situation to be a question of dispute, it in that way brings into operation Article 27 of the Charter."

He asked the representative of the Netherlands whether he considered it "desirable to take a vote on the question as to whether this should be regarded as a dispute". The representative of the Netherlands stated that in view of the ruling of the President, he would not request a vote.

The President put the Polish proposal to the vote. There were 2 votes in favour. The President then ruled that the proposal had been rejected. In reply to the request of the representative of the USSR that the votes of those against and those abstaining be counted, the President stated that since there were only 2 votes in favour, it had been indicated that the proposal had been rejected. The representative of the USSR agreed with the President.

<sup>16</sup> S/1, O.R., 1st year, 1st series, Suppl. No. 1, pp. 16-17.

<sup>17</sup> 3rd meeting: p. 44. At the 19th meeting on 14 February 1946, in connexion with the Syrian and Lebanese question, the representative of Brazil referred to the Iranian question. He stated: "I think that in that case we heard the parties and then the President ruled, on a question of procedure, that it was a dispute. The Soviet delegation did not oppose that ruling, which of course meant that the Soviet delegation would not have a vote." 19th meeting: p. 275.

<sup>18</sup> 7th meeting: pp. 122-123.

<sup>19</sup> O.R., 1st year, 1st series, Suppl. No. 1, pp. 73-74.

The President then put the Egyptian proposal to the vote. In addition to taking note of the declaration regarding the withdrawal of troops, this proposal contained the phrase "appreciating that the presence of British troops in Greece, in the present circumstances, does not constitute a threat to international peace and security". The representative of the USSR stated that he would vote against the Egyptian proposal. Furthermore, since the Council was "evidently going to vote in conformity with Article 27 . . . in particular with paragraph 3", his negative vote precluded the possibility of the adoption of the proposal. The President thereupon asked the Council to vote on the question whether the proposal was a procedural matter. Recalling the point of order raised earlier by the representative of the Netherlands, he stated:

"I then took it that it was recognized that we were dealing with what was to be regarded as a procedural matter, and I permitted all members of the Council to have the right to vote . . ."

The representative of the Netherlands maintained:

"The matter is raised under Chapter VI, and Article 27, paragraph 3, says ' . . . in decisions under Chapter VI . . . a party to a dispute shall abstain from voting'."

The President reiterated that he had ruled "that it was not a question of dispute and . . . it is therefore a procedural matter". In reply to the representative of the Netherlands, the representative of the USSR stated: "But we are not at present taking a decision under Chapter VI." He contended that that was "another matter, a special one".

The representative of Egypt quoted from Articles 33 and 34, and, recalling the claim of the representative of the USSR that the situation in Greece constituted a threat to international peace and security, stated:

" . . . We have seen a dispute crop up perhaps even here. Consequently, I see no other possibility than to apply Chapter VI. If we agree to apply Chapter VI, we avoid the possibility of the veto being used for every dispute. In that case, neither the representative of the United Kingdom nor the representative of the Soviet Union has the right to take part in the voting."

The representative of Brazil observed that the letter from the delegation of the USSR was "based on Article 35, and Article 35 comes under Chapter VI".<sup>20</sup>

At the 8th meeting on 5 February 1946, the Security Council accepted the suggestion of the President that the matter should be disposed of by accepting a statement by the President which summarized the proceedings. At the 10th meeting on 6 February 1946, the President read his statement, to which there was no objection. The Egyptian proposal was not put to the vote.<sup>21</sup>

#### CASE 117

At the 19th meeting on 14 February 1946, in connexion with the Syrian and Lebanese question, the

President (Australia), in opening the discussion, observed that, in the letter dated 4 February 1946 by which the question was submitted to the Council,<sup>22</sup> the delegations of Lebanon and Syria "refer to this matter as a 'dispute'." He stated:

"As members of the Security Council are aware, the proviso at the end of Article 27, paragraph 3 . . . applies when a dispute is being considered by the Security Council. Frequently, however, the question whether a dispute exists cannot be given an automatic answer. The Security Council itself will, if necessary, have to decide this question."

The President suggested that it would be inconvenient to answer that question before the States immediately concerned had been heard. The representative of Egypt, while agreeing that the question whether the matter was a dispute should be deferred, moved that the decision "whether any question is a dispute or a situation" was a procedural matter. He stated:

"If it were left to one of the permanent members to decide whether the matter concerned is a situation or a dispute, he might come forward at any time and say: it is a situation. If it is not a question of procedure, he would have the right to vote to decide that it is a situation, and in so doing he would make of Article 27, paragraph 3, a dead letter, just as though the veto could be applied in every case. If it were permissible for the permanent members of the Council to say that a matter was a situation even when everybody considered that it was not, and if we held that it was not a question of procedure, we would give the permanent members of the Council the right of veto for all questions in which they might wish to use it. This is contrary to all the texts and to the spirit of the Charter, to all that we have said and to all the decisions that we have taken together."

The representative of the USSR stated:

" . . . the question as to whether a particular case is a dispute or a situation is a question of substance and not of procedure."

"Procedure is the manner of deciding a matter, a method of decision, but the question as to what the actual substance of a particular matter amounts to, whether it is a situation or a dispute, is not the manner of decision, not the method of deciding the matter, but relates in fact to the evaluation of the very substance of the matter. Therefore, such a matter must be decided not on the basis of Article 27, paragraph 2, which deals with procedural matters, but on the basis of Article 27, paragraph 3, which deals with the settlement of matters of a non-procedural character."

The representatives of China and the Netherlands suggested that the Egyptian motion be deferred to the Committee of Experts which was drafting provisional rules of procedure for the Council.

The representative of Mexico was of the opinion that the Council did not have to decide whether a question was a dispute, "that is a question that has to be decided by . . . the party that is bringing the matter to the Council." The representatives of the Netherlands and the USSR contended that in view of the consequences upon the voting procedure, the Council had

<sup>20</sup> For texts of relevant statements see:

7th meeting: President (Australia), pp. 125, 126, 129; Brazil, p. 132; Egypt, pp. 131-132; Netherlands, pp. 125, 129; USSR, pp. 126, 128, 129, 130.

8th meeting: President (Australia), pp. 132-133.

10th meeting: President (Australia), pp. 171-172; USSR, p. 172; United Kingdom, p. 173.

<sup>21</sup> 10th meeting: pp. 171-173.

<sup>22</sup> S/5, O.R., 1st year, 1st series, Suppl. No. 1, pp. 82-83.

to decide whether a dispute existed. As regards the Egyptian motion, the representative of the Netherlands moved that no vote be taken "at this stage in the proceedings". The Netherlands motion was adopted.<sup>23</sup>

At the 23rd meeting on 16 February 1946, the President put to the vote several proposals relating to the presence of British and French troops in Syria and Lebanon. The representative of the USSR was in favour of applying the proviso of Article 27 (3). He asked the President "which delegations are entitled to take part in the vote". Recalling the discussion of the 19th meeting and "the consequences upon the voting in the Council of a decision that a dispute exists", the President stated:

"...if there is no objection, I shall take it to be the decision of the Council that a dispute does exist between Syria and Lebanon on the one hand and France and the United Kingdom on the other."

The representatives of France and the United Kingdom objected to the President's statement, but announced that they had intended to refrain from taking part in the vote. The representative of the United Kingdom added:

"... But I do it without prejudice on this occasion and await the final decisions of the experts on procedure to guide future meetings."

The President proposed:<sup>24</sup>

"Having regard to the declarations made by the representatives of France and the United Kingdom that, without prejudice to the question whether a dispute exists, they will not exercise their vote in this matter... the Council [*shall*] proceed to a vote... without taking any formal decision on the question of the voting rules."

The proposal was adopted without vote.<sup>25</sup>

#### CASE 118

At the 114th meeting on 27 February 1947, in connexion with the Corfu Channel question, the Security Council voted upon a draft resolution, submitted by the representative of Australia at the 111th meeting on 24 February 1947, to appoint a sub-committee "to examine all the available evidence" and "to make a report on the facts of the case as disclosed by such evidence".<sup>26</sup> Before the vote was taken the representative of the United Kingdom stated:

"As a party to this dispute, I am deprived of my vote under Article 27, paragraph 3, of the Charter when it is a matter of a decision under Chapter VI. I presume, though, that the vote which we are going to take is a purely procedural one and that I can exercise my vote. Is that the case?"

The representative of the USSR was of the opinion that a decision ensuing from the Australian draft resolution would be "a decision about an investigation", which was not a procedural matter. The President (Belgium) ruled:

<sup>23</sup> 19th meeting: p. 281.

<sup>24</sup> For texts of relevant statements see:

19th meeting: President (Australia), p. 272; Brazil, pp. 274-275; Egypt, pp. 273, 273-274, 274, 276; Mexico, p. 277; Netherlands, p. 277, 280; USSR, pp. 278-279, 280-281.

23rd meeting: President (Australia), pp. 357, 363; Egypt, pp. 358, 363-364; France, pp. 357-358; USSR, pp. 357, 360-362; United Kingdom, pp. 358, 359-360, 362-363.

<sup>25</sup> 23rd meeting: pp. 363-364.

<sup>26</sup> 111th meeting: pp. 364-365.

"I regret that I am unable to share the view of the representative of the USSR; I think that the answer to the question put by the representative of the United Kingdom must be in the affirmative.

"In so far as it sanctions an exception to the voting order, Article 27, paragraph 3, must, where applicable, be interpreted strictly; it cannot be stretched to cover cases which are not mentioned in Chapter VI of the Charter. If we study the various Articles of Chapter VI we shall see that the establishment of a sub-committee, such as that proposed by the Australian resolution, is not amongst the decisions and recommendations mentioned in that Chapter."

The representatives of Colombia, Syria and the United States supported the President on the ground that this would not be an investigation "in the sense of Article 34 of the Charter". The representative of Colombia stated:

"...if we confine ourselves to agreeing that we are not confronted with a decision under Chapter VI, but with a preliminary question, to assist us in the decision which we shall have to take under this Chapter VI, the matter will become easier to understand, and we shall be in a position to decide whether, in these circumstances, the representative of the United Kingdom is entitled to take part in the vote."

The representative of the United States considered that the draft resolution fell under Article 29. While maintaining that the decision was a non-procedural matter, the representative of the USSR declared that he would not vote against a motion to consider it a procedural matter since he did not wish "to hinder the adoption of the decision to establish a sub-committee".<sup>27</sup>

The representative of the United Kingdom cast his vote.<sup>28</sup>

#### CASE 119

At the 303rd meeting on 24 May 1948, in connexion with the Czechoslovak question, the President (France) ruled that a draft resolution to appoint a sub-committee to receive evidence had not been adopted, one vote against having been that of a permanent member. The representative of Chile\* contended that the representative of the USSR had abused the right of "veto". He continued:<sup>29</sup>

"...in the present case the USSR is a party to a dispute, for it must be assumed that there is a dispute not only when there is a direct conflict of interests between two Member States, but also when any difference arising from conflicting attitudes of one nation in respect of another nation is brought to the attention of the Security Council by any country. This is certainly the case when a State exercises its right under Article 35, and accuses another of violating the Charter, whether it has any direct interest in the matter or not. Paragraph 3 of Article 27 is merely intended to prevent a member of the Council from acting as judge in its own case and participating in the decision that may be taken against it. This is what the USSR has just done."

<sup>27</sup> For texts of relevant statements see:

114th meeting: President (Belgium), p. 426; Australia, p. 431; Colombia, pp. 428-429; Syria, pp. 429-430; USSR, pp. 425-426, 427, 428; United Kingdom, p. 425; United States, pp. 430-431.

<sup>28</sup> 114th meeting: p. 432.

<sup>29</sup> 303rd meeting: p. 35.

## CASE 120

At the 553rd and 555th meetings on 16 and 27 April 1951, in connexion with the Palestine question, the Security Council considered the restrictions imposed by Egypt on the passage of ships through the Suez Canal.

The representative of Egypt\* contended that the representatives of France, the Netherlands, Turkey, the United Kingdom and the United States, having submitted protests to the Egyptian Government on this matter, ought to abstain from voting in accordance with Article 27 (3) on the joint draft resolution submitted by the representatives of France, the United Kingdom and the United States, to find the Egyptian restrictions "inconsistent with the objectives of a peaceful settlement".<sup>30</sup>

The representative of Egypt recalled the definition of "dispute" and the interpretations of the proviso of Article 27 (3) considered by the Interim Committee of the General Assembly, and stated:

"This fundamental and Charterwise principle—namely, that no State shall be judge and party—should apply and command our respect in all cases, whether there are two or more parties to a question. Furthermore, the Council cannot rightly subscribe to any attempt to defeat the *raison d'être* of this principle by claiming that it would at times impede the Council from discharging its duties...

"We believe that an elementary principle of justice requires that a party to a dispute should not be a judge of it, and that it is this great principle which inspired the provision in Article 27 of the Charter that a party to a dispute should abstain from voting."

Speaking on behalf of the delegations of France, the Netherlands, Turkey, the United Kingdom and the United States, the representative of the United Kingdom maintained that even under the definitions of "dispute" cited by the representative of Egypt, a dispute existed under the Charter only when a State brought a complaint to the Security Council against another State and the State against which the complaint had been made rejected it. Although more than two States could be involved in those circumstances, only Egypt and Israel were parties to the dispute before the Council. He further rejected the analogy between the Security Council and a court of law as implied in the reference to "judge and party". The representative of the United Kingdom added:

"It is almost inevitable that in many, if not all, questions which come before the Council, a number of States members of the Council will be concerned to a greater or less degree, even though they may not be parties to the dispute with which the Council is dealing. In itself, this is certainly no reason why they should be debarred from voting."

He then held that "the Egyptian argument would produce quite incongruous results", since, if the State in question concerned itself to damage the interests of at least five members of the Council, the Council would be unable to take decisions. He continued:

"We have, therefore, come to the conclusion that Article 27, paragraph 3, in no way debars us from voting on the draft resolution before the Council.

On the contrary, to read such an interpretation into the Article would be, as we see it, to paralyze the Security Council so as to prevent it handling many controversies which, under the plan of the Charter, should come before it."

To which the representative of Egypt replied:

"His contention that we can extend the description of 'interested' to almost everyone in the world, to almost every State in the world is, to say the least, a very carefree contention. If we were to apply his criterion, there would never be an application of paragraph 3, Article 27 of the Charter. We would never find any party to which we could apply the description or definition of an interested party. The question of what is an interested party is a matter to be investigated."

In that connexion, he submitted a draft resolution<sup>31</sup> to have the Council request the International Court of Justice to give its advisory opinion on the following question:

"In the light of the Charter of the United Nations, particularly paragraph 3 of Article 27, and in view of the debate in the Security Council, are France, the Netherlands, Turkey, the United Kingdom and the United States of America obliged to abstain from voting on the question of the restrictions imposed by Egypt in relation to the passage through the Suez Canal of some war materials to Israel?"

At the 556th meeting on 29 August 1951, the representative of Egypt noted with regret that the five members of the Council had not reconsidered their position on the question of abstaining from voting in accordance with Article 27 (3). As long as they maintained that attitude, he concluded, it would serve no purpose for the Egyptian draft resolution to be sponsored by a member of the Council, since it would not be approved by the requisite majority.<sup>32</sup>

At the 558th meeting on 1 September 1951, the representatives of France, the Netherlands, Turkey, the United Kingdom and the United States were among those who voted in favour of the joint draft resolution.<sup>33</sup>

## B. VOLUNTARY ABSTENTION IN RELATION TO ARTICLE 27 (3)

### 1. Certain cases in which permanent members have abstained otherwise than in accordance with the proviso of Article 27 (3)

(For texts of resolutions listed and record of votes, see chapters VIII and IX.)

## SPANISH QUESTION

### CASE 121

**Decision of 29 April 1946 (39th meeting): Australian draft resolution as amended.**<sup>34</sup>

<sup>30</sup> S/2313, 555th meeting: p. 16.

<sup>31</sup> For texts of relevant statements see:

553rd meeting: Egypt, pp. 23-25.

555th meeting: China, pp. 18-19, 20; Egypt, pp. 14-16; United Kingdom, pp. 1-4.

556th meeting: China, p. 5; Egypt, pp. 4-5.

<sup>32</sup> 558th meeting: pp. 2-3.

<sup>33</sup> 39th meeting: pp. 243, 245; for consideration of the abstention, see Case 180. For discussion regarding the establishment of the Sub-Committee, see chapter V, Case 65.

<sup>34</sup> S/2298/Rev.1, 558th meeting: pp. 2-3; S/2322.

## GREEK FRONTIER INCIDENTS QUESTION

## CASE 122

**Decision of 19 December 1946 (87th meeting):** Paragraph 3 of United States draft resolution as amended by Mexico and United Kingdom.<sup>85</sup>

## CASE 123

**Decision of 19 December 1946 (87th meeting):** Paragraph 5 of United States draft resolution as amended by Poland.<sup>86</sup>

## CASE 124

**Decision of 19 December 1946 (87th meeting):** United Kingdom amendment as amended by Netherlands.<sup>87</sup>

## CASE 125

**Decision of 10 February 1947 (101st meeting):** United States draft resolution.<sup>88</sup>

## CASE 126

**Decision of 18 April 1947 (131st meeting):** United States draft resolution as amended by France and China.<sup>89</sup>

## CORFU CHANNEL QUESTION

## CASE 127

**Decision of 27 February 1947 (114th meeting):** Australian draft resolution.<sup>40</sup>

## CASE 128

**Decision of 9 April 1947 (127th meeting):** United Kingdom draft resolution.<sup>41</sup>

## INDONESIAN QUESTION (II)

## CASE 129

**Decision of 1 August 1947 (173rd meeting):** Australian draft resolution as amended (without Part II of the preamble).<sup>42</sup>

## CASE 130

**Decision of 25 August 1947 (194th meeting):** Australian-Chinese draft resolution.<sup>43</sup>

## CASE 131

**Decision of 25 August 1947 (194th meeting):** United States draft resolution.<sup>44</sup>

<sup>85</sup> 87th meeting: p. 681.

<sup>86</sup> 87th meeting: p. 688.

<sup>87</sup> 87th meeting: p. 699.

<sup>88</sup> 101st meeting: p. 189.

<sup>89</sup> 131st meeting: p. 800.

<sup>40</sup> 114th meeting: p. 432. Discussion took place on the question whether the matter was procedural. The representative of the USSR contended that it was a non-procedural matter because it was a decision to investigate. He stated, however, that he did not wish "to hinder the adoption of a decision to establish a Sub-Committee". (114th meeting: p. 428.) At the 300th meeting on 21 May 1948, the representative of the USSR stated that, if he had not abstained on that occasion, no decision would have been taken. (300th meeting: p. 42.) For discussion regarding the establishment of the Sub-Committee, see chapter V, Case 66.

<sup>41</sup> 127th meeting: p. 727.

<sup>42</sup> 173rd meeting: pp. 1700-1703. No vote was taken on the resolution as a whole after the paragraphs had been adopted. For consideration of the abstentions, see Case 183.

<sup>43</sup> 194th meeting: p. 2200.

<sup>44</sup> 194th meeting: p. 2209.

## CASE 132

**Decision of 26 August 1947 (195th meeting):** Polish draft resolution.<sup>45</sup>

## CASE 133

**Decision of 3 October 1947 (207th meeting):** Australian draft resolution.<sup>46</sup>

## CASE 134

**Decision of 1 November 1947 (219th meeting):** United States draft resolution as amended by Sub-Committee.<sup>47</sup>

## CASE 135

**Decision of 28 February 1948 (259th meeting):** Chinese draft resolution.<sup>48</sup>

## CASE 136

**Decision of 28 February 1948 (259th meeting):** Canadian draft resolution.<sup>49</sup>

## CASE 137

**Decision of 6 July 1948 (329th meeting):** Chinese proposal.<sup>50</sup>

## CASE 138

**Decision of 29 July 1948 (342nd meeting):** Chinese draft resolution.<sup>51</sup>

## CASE 139

**Decision of 24 December 1948 (392nd meeting):** Colombian-Syrian-United States draft resolution as amended.<sup>52</sup>

## CASE 140

**Decision of 28 December 1948 (395th meeting):** Chinese draft resolution as amended.<sup>53</sup>

## CASE 141

**Decision of 28 December 1948 (395th meeting):** Colombian draft resolution.<sup>54</sup>

## CASE 142

**Decision of 28 January 1949 (406th meeting):** Chinese-Cuban-Norwegian-United States draft resolution paragraph by paragraph.<sup>55</sup>

## CASE 143

**Decision of 23 March 1949 (421st meeting):** Canadian proposal.<sup>56</sup>

## INDIA-PAKISTAN QUESTION

## CASE 144

**Decision of 17 January 1948 (229th meeting):** Belgian draft resolution as amended.<sup>57</sup>

<sup>45</sup> 195th meeting: p. 2232.

<sup>46</sup> 207th meeting: p. 2503.

<sup>47</sup> 219th meeting: p. 2750.

<sup>48</sup> 259th meeting: p. 384.

<sup>49</sup> 259th meeting: p. 393.

<sup>50</sup> 329th meeting: p. 30.

<sup>51</sup> 342nd meeting: pp. 38-39.

<sup>52</sup> 392nd meeting: pp. 37-38.

<sup>53</sup> 395th meeting: p. 67.

<sup>54</sup> 395th meeting: p. 83.

<sup>55</sup> 406th meeting: pp. 21-24, 26, 28-33. No vote was taken on the draft resolution as a whole after each paragraph had been adopted.

<sup>56</sup> 421st meeting: pp. 25-26.

<sup>57</sup> 229th meeting: p. 125.

## CASE 145

**Decision** of 20 January 1948 (230th meeting): Belgian draft resolution.<sup>58</sup>

## CASE 146

**Decision** of 21 April 1948 (286th meeting): Belgian-Canadian-Chinese-Colombian-United Kingdom-United States draft resolution paragraph by paragraph.<sup>59</sup>

## CASE 147

**Decision** of 23 April 1948 (287th meeting): French proposal.<sup>60</sup>

## CASE 148

**Decision** of 3 June 1948 (312th meeting): Syrian draft resolution as amended by United Kingdom.<sup>61</sup>

## CASE 149

**Decision** of 30 March 1951 (539th meeting): United Kingdom-United States draft resolution.<sup>62</sup>

## CASE 150

**Decision** of 30 April 1951 (543rd meeting): United Kingdom-United States proposal.<sup>63</sup>

## CASE 151

**Decision** of 29 May 1951 (548th meeting): Text of President's letter.<sup>64</sup>

## CASE 152

**Decision** of 10 November 1951 (566th meeting): United Kingdom-United States draft resolution.<sup>65</sup>

## PALESTINE QUESTION

## CASE 153

**Decision** of 5 March 1948 (263rd meeting): United States draft resolution as amended.<sup>66</sup>

## CASE 154

**Decision** of 1 April 1948 (277th meeting): United States draft resolution.<sup>67</sup>

## CASE 155

**Decision** of 16 April 1948 (283rd meeting): Colombian draft resolution.<sup>68</sup>

## CASE 156

**Decision** of 23 April 1948 (287th meeting): United States draft resolution as amended.<sup>69</sup>

<sup>58</sup> 230th meeting: p. 143. For consideration of the abstention, see Case 185.

<sup>59</sup> 286th meeting: pp. 9-12, 15-21, 23, 25-30, 33-39. At the 286th meeting on 21 April 1948, in connexion with the India-Pakistan question, the representative of the United Kingdom did not participate in the vote on one paragraph of the joint draft resolution to instruct UNCIP to place its good offices and mediation at the disposal of the Governments of India and Pakistan. 286th meeting: pp. 11-12.

<sup>60</sup> 287th meeting: p. 3.

<sup>61</sup> 312th meeting: p. 21.

<sup>62</sup> 539th meeting: p. 15.

<sup>63</sup> 543rd meeting: p. 4.

<sup>64</sup> 548th meeting: p. 23.

<sup>65</sup> 566th meeting: p. 13.

<sup>66</sup> 263rd meeting: p. 44.

<sup>67</sup> 277th meeting: pp. 34-35.

<sup>68</sup> 283rd meeting: p. 41.

<sup>69</sup> 287th meeting: p. 33.

## CASE 157

**Decision** of 22 May 1948 (302nd meeting): United States draft resolution as amended.<sup>70</sup>

## CASE 158

**Decision** of 29 May 1948 (310th meeting): All paragraphs except paragraph 2 of United Kingdom draft resolution as amended.<sup>71</sup>

## CASE 159

**Decision** of 7 July 1948 (331st meeting): United Kingdom draft resolution.<sup>72</sup>

## CASE 160

**Decision** of 15 July 1948 (338th meeting): United States draft resolution as amended.<sup>73</sup>

## CASE 161

**Decision** of 19 August 1948 (354th meeting): Sub-paragraphs (c), (d) and (e) of Canadian-French-United Kingdom-United States draft resolution.<sup>74</sup>

## CASE 162

**Decision** of 19 October 1948 (367th meeting): Syrian amendment to paragraph 18 of Mediator's Report and the Syrian proposal as amended.<sup>75</sup>

## CASE 163

**Decision** of 4 November 1948 (377th meeting): Sub-Committee's proposal as amended. Paragraph by paragraph and resolution as a whole.<sup>76</sup>

## CASE 164

**Decision** of 16 November 1948 (381st meeting): Belgian-Canadian-French draft resolution in separate paragraphs.<sup>77</sup>

## CASE 165

**Decision** of 29 December 1948 (396th meeting): United Kingdom draft resolution as amended. Paragraph by paragraph and resolution as a whole.<sup>78</sup>

## CASE 166

**Decision** of 11 August 1949 (437th meeting): Canadian-French draft resolution.<sup>79</sup>

## CASE 167

**Decision** of 17 November 1950 (524th meeting): French-United Kingdom-United States draft resolution as revised.<sup>80</sup>

## CASE 168

**Decision** of 8 May 1951 (545th meeting): French-Turkish-United Kingdom-United States draft resolution.<sup>81</sup>

<sup>70</sup> 302nd meeting: p. 66.

<sup>71</sup> 310th meeting: pp. 38-39, 52-54, 61-63. No vote was taken on the draft resolution as a whole after the adoption of each paragraph.

<sup>72</sup> 331st meeting: p. 35.

<sup>73</sup> 338th meeting: p. 66.

<sup>74</sup> 354th meeting: pp. 50-51.

<sup>75</sup> 367th meeting: p. 37.

<sup>76</sup> 377th meeting: pp. 39-43.

<sup>77</sup> 381st meeting: pp. 54-55.

<sup>78</sup> 396th meeting: pp. 23-26.

<sup>79</sup> 437th meeting: p. 13.

<sup>80</sup> 524th meeting: p. 16.

<sup>81</sup> 545th meeting: p. 28.



## CASE 169

**Decision of 18 May 1951 (547th meeting):** French - Turkish - United Kingdom - United States draft resolution.<sup>82</sup>

## CASE 170

**Decision of 1 September 1951 (558th meeting):** French - United Kingdom - United States draft resolution.<sup>83</sup>

## GENERAL REGULATION AND REDUCTION OF ARMAMENTS

## CASE 171

**Decision of 13 February 1947 (105th meeting):** Draft resolution resulting from consultation of the President (Belgium) with representatives of Australia, Colombia, France, United States and USSR, as amended by the United Kingdom.<sup>84</sup>

## REPORTS OF THE COMMISSION FOR CONVENTIONAL ARMAMENTS

## CASE 172

**Decision of 8 July 1947 (152nd meeting):** Plan of work proposed by Commission for Conventional Armaments.<sup>85</sup>

## TRUSTEESHIP AGREEMENT FOR THE FORMER JAPANESE ISLANDS

## CASE 173

**Decision of 2 April 1947 (124th meeting):** Article 15 of the draft agreement.<sup>86</sup>

## CASE 174

**Decision of 7 March 1949 (415th meeting):** Draft resolution proposed by majority of the Committee of Experts.<sup>87</sup>

## REPORTS OF THE ATOMIC ENERGY COMMISSION

## CASE 175

**Decision of 18 June 1948 (325th meeting):** Canadian draft resolution.<sup>88</sup>

## ADMISSION OF NEW MEMBERS TO THE UNITED NATIONS

## CASE 176

**Decision of 4 March 1949 (414th meeting):** Israel:—United States draft resolution.<sup>89</sup>

## CASE 177

**Decision of 26 September 1950 (503rd meeting):** Indonesia:—President's (United Kingdom) proposal.<sup>90</sup>

<sup>82</sup> 547th meeting: p. 41.

<sup>83</sup> 558th meeting: p. 3.

<sup>84</sup> 105th meeting: p. 274.

<sup>85</sup> 152nd meeting: p. 1227.

<sup>86</sup> 124th meeting: p. 680.

<sup>87</sup> 415th meeting: p. 9. For consideration of the abstention, see Case 188.

<sup>88</sup> 325th meeting: p. 20. The representative of the USSR maintained that "resolutions of this kind are not procedural". The President (Syria) and other members of the Council were of the opinion that the draft resolution was a procedural matter. (325th meeting: pp. 13-19.)

<sup>89</sup> 414th meeting: p. 14. For consideration of the abstention, see Case 187.

<sup>90</sup> 503rd meeting: p. 28.

## APPLICATION OF LIECHTENSTEIN TO BECOME A PARTY TO STATUTE OF INTERNATIONAL COURT OF JUSTICE

## CASE 178

**Decision of 27 July 1949 (432nd meeting):** Proposal by a majority of the Committee of Experts.<sup>91</sup>

## REPORT OF THE SECURITY COUNCIL TO THE GENERAL ASSEMBLY

## CASE 179

**Decision of 12 September 1950 (500th meeting):** Proposal to approve the text of the Report.<sup>92</sup>

## 2. Consideration of the practice of voluntary abstention in relation to Article 27 (3)

## CASE 180

At the 39th meeting on 29 April 1946, in connexion with the Spanish question, the representative of the USSR, before the vote on which he abstained was taken, stated:

"...bearing in mind... that my voting against the Australian draft resolution would make its adoption impossible, I shall abstain from voting.

"I consider it necessary to draw the attention of the Security Council to the fact that my abstention from voting on this matter may in no way be regarded as a precedent capable of influencing in any way the question of the abstention of permanent members of the Security Council."

The representative of the Netherlands reserved the position of his Government with respect to whether it was a procedural matter. The representative of the United States stated:

"I wish to reserve the position of the United States of America on the statement of the USSR representative has just made. With that understanding I am prepared to agree that Mr. Gromyko's abstention, should not create a precedent for the future."<sup>93</sup>

## CASE 181

At the 56th meeting on 29 August 1946, in connexion with the admission of new Members to the United Nations, the representative of China raised the question whether a permanent member was bound to vote either in favour of or against a proposal, or whether his abstention might not be counted as a neutral vote. At the request of the President (Poland) at the 57th meeting, the matter was not discussed.<sup>94</sup>

## CASE 182

At the 131st meeting on 18 April 1947, in connexion with the Greek question, the representative of the USSR submitted a draft resolution to establish a commission to supervise aid received by Greece from other Powers. In the course of a statement opposing the draft resolution, the representative of the United States declared:<sup>95</sup>

"I wish the record to show that the United States will not exercise a veto, and that the United States

<sup>91</sup> 432nd meeting: p. 6.

<sup>92</sup> 500th meeting: p. 1.

<sup>93</sup> For texts of relevant statements see: 39th meeting: Netherlands, p. 244; USSR, p. 243; United States, p. 245. See also Chapter V, Case 65.

<sup>94</sup> 56th meeting: p. 95; 57th meeting: p. 98.

<sup>95</sup> 131st meeting: p. 803.

has considerable regard for a practice which has grown in the Security Council, by usage, to constitute a very good practical construction of Article 27 of the Charter. And in this case, although the United States is opposed to the resolution, it will abstain, but will not veto it."

## CASE 183

At the 173rd meeting on 1 August 1947, in connexion with the Indonesian question (II), the representative of the United Kingdom explained, with regard to his abstention on the Australian draft resolution, that, while his Government was not opposed to the draft resolution, he was not able to vote in favour, but he did not want his abstention to be treated as a veto. The President (Syria) replied:<sup>96</sup>

"I think it is now jurisprudence in the Security Council — and the interpretation accepted for a long time — that an abstention is not considered a veto, and the concurrent votes of the permanent members mean the votes of the permanent members who participate in the voting. Those who abstain intentionally are not considered to have cast a veto."

The representative of France stated that while he opposed the draft resolution and had doubts regarding the competence of the Council, he abstained in order to facilitate the general progress of the work of the Council.

## CASE 184

At the 197th meeting on 27 August 1947, in connexion with the consideration of General Assembly resolution 40 (I) on voting procedures in the Security Council which recommended "the early adoption of practices and procedures, consistent with the Charter, to assist in reducing the difficulties in the application of Article 27", the President (Syria) stated that "... almost the only result of these recommendations of the General Assembly... has been that there have been abstentions in some cases, which proved helpful."

The representative of the United States stated:

"In the opinion of the United States delegation, the Council has developed, during the past year, one practice in regard to the voting of the permanent members which appears to be of real importance. I refer to the practice of abstention by a permanent member in order to permit the will of the majority of the Council to prevail."

After proposing that the third and fourth paragraphs of the General Assembly resolution should be referred to the Committee of Experts, he offered, in the form of a memorandum for the consideration of the members of the Council, certain draft proposals for additional rules of procedure of the Security Council on the subject of voting.

The representative of the USSR considered that the draft proposals were "aimed essentially at revising important provisions of the United Nations Charter" and were "doomed to failure". The representative of the United States declared that he was not advocating "the changing of the Charter or abrogation of the rule of veto", but endeavouring "to find, if possible, within the Charter, ways by which our work can be made a little more effective and a little more consonant

<sup>96</sup> For texts of relevant statements see: 173rd meeting: President (Syria), pp. 1711-1712; France, p. 1713; United Kingdom, p. 1711.

with the purposes of the framers of the Charter at San Francisco."

The representative of Australia, referring to the suggestion made during the course of the Assembly proceedings that "an abstention should not be regarded as a veto", stated:<sup>97</sup>

"We note that that practice has been recognized. I note that in the United States proposal it is placed in writing. I am not sure that that is altogether sound, because my delegation believes firmly in the principle that accepted practice and usage in many cases are far stronger than a too rigidly written form."

## CASE 185

At the 232nd meeting on 23 January 1948, the representative of Argentina, referring to the resolution of 20 January 1948, establishing UNCIP, stated:

"The resolution which was adopted at the [230th] meeting of 20 January 1948... did not obtain the concurring votes of the five permanent members of the Security Council.

"This is a substantive decision and is therefore governed by Article 27, paragraph 3, of the Charter.

"... I do not object to the permanent members of the Security Council foregoing the use of their privilege, if they consider it advisable, but if they do so, it should be done publicly.

"Abstention is a way of concealing the veto, either because it is not desired to vote affirmatively, in order to avoid establishing a harmful precedent with regard to contrary decisions in the future, or because it is not desired to vote in the negative, in order not to appear to oppose a good decision, or in order to decrease the size of the target which the privilege offers to those who combat it."

The representative of the United Kingdom stated:

"... Every written constitution is always developed by the practice of the institutional organs...

"Hitherto, as I understand it, the abstention by a permanent member of the Security Council in a vote on a matter of substance is, by practice and precedent in the Security Council, not considered a negative vote by that member, and I hope and trust that that understanding and practice will be adhered to."

The representative of France stated that his delegation had always maintained that abstention did not constitute a negative vote. The President (Belgium) stated that, while the Council might not care to enter into debate on the question at that time, the remarks of the representative of Argentina would probably call for reservations on the part of several members of the Council.<sup>98</sup>

## CASE 186

At the 303rd meeting on 24 May 1948, in connexion with the Czechoslovak question, the President (France) stated with regard to the vote which had taken place,

<sup>97</sup> For texts of relevant statements see: 197th meeting: President (Syria), p. 2267; Australia, p. 2273; USSR, p. 2270; United States, pp. 2269, 2271.

<sup>98</sup> For texts of relevant statements see: 232nd meeting: President (Belgium), p. 170; Argentina, pp. 169-170; France, pp. 170-171; United Kingdom, p. 170.

that "the abstention of a member does not prevent a decision being taken by the Council".<sup>99</sup>

## CASE 187

At the 414th meeting on 4 March 1949, in connexion with the admission of Israel to membership in the United Nations, the President (Cuba) stated with regard to the vote on the United States draft resolution to recommend the admission of Israel:

"In accordance with the principle established by the Security Council on resolutions subject to the unanimity rule, abstention by a permanent member of the Council does not render the Council's decision invalid. I therefore declare the United States draft resolution to be adopted."

The representative of Argentina made the following statement:

"I wish, however, to go on record as stating that, contrary to the view held by some, if not by practically all the permanent members of the Council, this resolution has not been supported by the five permanent members of the Council as required in Article 27, paragraph 3, of the Charter. While the President has referred to an established principle, I do not believe that the Security Council can establish principles to modify the Charter whenever it thinks fit."

The representative of Egypt stated:

"I wish to express my doubt as to certain interpretations of the way in which Article 27, paragraph 3, of the United Nations Charter should be applied."

The representative of the USSR stated:<sup>100</sup>

"I would merely like to draw the Council's attention to the fact that, in accordance with the established practice of the Security Council, when a permanent member of the Council abstains from voting, such action is not interpreted in the way that some are now endeavouring to interpret it."

## CASE 188

At the 415th meeting on 7 March 1949, in connexion with the trusteeship agreement for the former Japanese mandated islands, the representative of Argentina, with regard to the vote on the draft resolution submitted by the majority of the Committee of Experts, called attention to his observations at the preceding meeting and stressed the concern of his delegation with the "predominantly legal aspect". He continued:

"...our contention that revision of paragraph 3 of Article 27 is necessary is not inspired by the case of a particular member. We are animated by no purely political feeling against any particular country or any particular member of the Council, but we do object to the privileged position of the five permanent members which they exploit as and when they deem fit."

The representative of Egypt stated:<sup>101</sup>

"As far as interpretations and changes are concerned, whether in paragraph 3 of Article 27 or

any other part of the Charter, I consider that we have to know whether jurisprudence for such matters, which might constitute a change in the Charter, can be a source of legislation in the United Nations. Can we through jurisprudence and through methods not stipulated in the proper paragraph of the Charter relating to its modification, change the Charter?"

## CASE 189

At the 428th meeting on 21 June 1949, in connexion with the admission of new Members to the United Nations, the representative of the Ukrainian SSR discussed the question of the "hidden" or "concealed veto". He stated:

"Some of the representatives of various delegations who have spoken have stated that they do not intend to apply the 'veto' in the question of the admission of new Members to the United Nations, and that only the delegation of the Soviet Union applies the 'veto'. This statement is quite insincere, I should even say erroneous, for the representatives of the United States, the United Kingdom, French and Chinese delegations can apply a hidden 'veto' by abstaining from voting. We all know that to have legal force, a recommendation requires seven affirmative votes including those of the five permanent members of the Security Council. Abstention by the United States and other permanent members of the Security Council, as well as by those non-permanent members who support them in this matter, is in fact tantamount to a 'veto', as it can block any favourable recommendation made with regard to an applicant State. Consequently, all statements to the effect that the United States and the other permanent members of the Security Council do not make use of their right of 'veto' are empty, hypocritical and false."

At the 442nd meeting on 13 September 1949, referring to the "concealed veto", the representative of the United States stated:<sup>102</sup>

"No one can truthfully claim that refusal to cast a favourable vote is one and the same thing as casting a negative vote. We have repeatedly shown the direction of our interpretation by employing the abstention instead of voting negatively."

## C. ABSENCE OF A PERMANENT MEMBER IN RELATION TO ARTICLE 27 (3)

## 1. Cases in which the Security Council has taken decisions in the absence of a permanent member

## CASES 190-192

At the 27th meeting on 27 March 1946, in connexion with the Iranian question, the representative of the USSR stated that he could not participate in or attend meetings of the Security Council at which there was discussion of the substance of the question. He submitted a proposal to postpone consideration of the item until 10 April 1946, which was not adopted, having failed to obtain the affirmative votes of 7 members.<sup>103</sup>

The representative of the USSR then stated that he was unable to participate further in the discussion of

<sup>99</sup> 303rd meeting: p. 21.

<sup>100</sup> For texts of relevant statements see:

414th meeting: President (Cuba), p. 14; Argentina, p. 14; Egypt, p. 14; USSR, pp. 14-15.

<sup>101</sup> For texts of relevant statements see:

415th meeting: Argentina, pp. 9-10; Egypt, pp. 10-11.

<sup>102</sup> For texts of relevant statements see:

428th meeting: Ukrainian SSR, pp. 15-16.

429th meeting: United Kingdom, p. 3.

442nd meeting: United States, p. 7.

<sup>103</sup> 27th meeting: p. 56.

the Iranian question, and left the Council Chamber. He did not attend the next three meetings at which the item was discussed (28th to 30th meetings between 29 March and 4 April 1946), and resumed participation in the discussion of the Iranian question at the 32nd meeting on 15 April 1946. At the 36th meeting on 23 April 1946, the representative of the USSR stated that the decision of the Council to retain the Iranian question on its agenda was contrary to the Charter, and that he would therefore take no further part in the discussion. The representative of the USSR did not attend the subsequent meetings at which the item was discussed (40th and 43rd meetings on 8 and 22 May 1946).

#### Case 190

At the 27th meeting on 27 March 1946, the Council adopted in the absence of a permanent member, a proposal to invite the representative of Iran to state his point of view on the question of postponement; and to take subsequently such measures or action as it deemed fit.<sup>104</sup>

#### Case 191

At the 30th meeting on 4 April 1946, the Council adopted in the absence of a permanent member, a resolution to take note of the statements of the Governments of Iran and the USSR, and in particular of the assurance of the USSR that the withdrawal of troops would be completed within six weeks, and to defer proceedings on the Iranian question until 6 May 1946.<sup>105</sup>

By letter dated 6 April 1946, the representative of the USSR contended that the resolution of 4 April 1946 was "incorrect and illegal being in conflict with the Charter of the United Nations".<sup>106</sup>

#### Case 192

At the 40th meeting on 8 May 1946, the Council adopted in the absence of a permanent member, a resolution to defer further proceedings on the Iranian question, in order to permit Iran to make a complete report on the withdrawal of troops.<sup>107</sup>

#### CASES 193-199

At the 459th meeting on 10 January 1950, in connexion with the representation of China in the Security Council, the representative of the USSR submitted a draft resolution to decide not to recognize the credentials "of the representative of the Kuomintang group" and "to exclude him from the Security Council".<sup>108</sup> When the Council decided to circulate the USSR draft resolution and consider it at a subsequent meeting, the representative of the USSR stated:

"... I, as representative of the Soviet Union, cannot participate in the work of the Security Council or take part in this meeting of the Council until the Kuomintang representative has been excluded from membership in the Council."<sup>109</sup>

The Council commenced consideration of the USSR draft resolution at the 460th meeting on 12 January 1950. The draft resolution was voted upon at the 461st

meeting on 13 January 1950. It was not adopted, having failed to obtain the affirmative votes of 7 members.<sup>110</sup> After the vote had been taken, the representative of the USSR announced:

"... the Union of Soviet Socialist Republics will not recognize as legal any decision of the Security Council adopted with the participation of the representative of the Kuomintang group, and will not be guided by any such decisions."

He thereupon withdrew from the Council chamber. The representative of the USSR was absent from all subsequent meetings until the 480th meeting on 1 August 1950.

#### Case 193

At the 462nd meeting on 17 January 1950, in connexion with the work of the Commission for Conventional Armaments, the Council adopted, in the absence of a permanent member, a resolution to transmit the text of a General Assembly resolution<sup>111</sup> for further study to the Commission for Conventional Armaments.<sup>112</sup>

#### Cases 194 and 195

At the 470th meeting on 14 March 1950, in connexion with the India-Pakistan question, the Council adopted in the absence of a permanent member, a resolution<sup>113</sup> to terminate UNCIP and appoint a United Nations representative for India and Pakistan.<sup>114</sup> At the 471st meeting on 12 April Sir Owen Dixon was appointed the United Nations representative for India and Pakistan.<sup>115</sup>

#### Case 196

At the 473rd meeting on 25 June 1950, in connexion with the complaint of aggression upon the Republic of Korea, the Council adopted, in the absence of a permanent member, the proposal of the President (India) to invite the representative of the Republic of Korea.<sup>116</sup>

#### Case 197

At the 473rd meeting on 25 June 1950, in connexion with the complaint of aggression upon the Republic of Korea, the Council adopted, in the absence of a permanent member, a resolution<sup>117</sup> to determine the armed invasion of the Republic of Korea "a breach of the peace"; and to call for assistance from the Members of the United Nations.<sup>118</sup>

#### Case 198

At the 474th meeting on 27 June 1950, in connexion with the complaint of aggression upon the Republic of Korea, the Council adopted, in the absence of a permanent member, a resolution<sup>119</sup> to recommend that "Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area."<sup>120</sup>

<sup>104</sup> 461st meeting: p. 9; for consideration of whether the matter was procedural, see 460th meeting, pp. 6 (France and United States), 8 (China) and 15 (USSR).

<sup>105</sup> S/1445, 461st meeting: p. 17.

<sup>106</sup> 462nd meeting: pp. 8-9. See Case 203.

<sup>107</sup> S/1461, *G.A.O.R.*, 5th session, *Suppl. No. 2*, p. 13.

<sup>108</sup> 470th meeting: p. 4.

<sup>109</sup> 471st meeting: p. 5.

<sup>110</sup> 473rd meeting: p. 4. See Case 204.

<sup>111</sup> S/1499, 473rd meeting: pp. 7-8, 13-14.

<sup>112</sup> 473rd meeting: pp. 17-18. See Case 204.

<sup>113</sup> S/1511, same as S/1508/Rev.1, 474th meeting: p. 4.

<sup>114</sup> 474th meeting: pp. 16-17. See Case 204.

<sup>104</sup> 27th meeting: pp. 57, 60-61. See Case 200.

<sup>105</sup> 30th meeting: pp. 88-89, 97.

<sup>106</sup> S/30, *O.R.*, 1st year, 1st series, *Suppl. No. 2*, p. 46.

<sup>107</sup> 40th meeting: pp. 247-248, 252. See Case 202.

<sup>108</sup> S/1443, 459th meeting: p. 3.

<sup>109</sup> 459th meeting: p. 4.

## Case 199

At the 476th meeting on 7 July 1950, in connexion with the complaint of aggression upon the Republic of Korea, the Council adopted, in the absence of a permanent member, a resolution<sup>121</sup> to recommend the establishment of the Unified Command.<sup>122</sup>

## 2. Consideration of absence of a permanent member in relation to Article 27 (3)

## CASE 200

At the 27th meeting on 27 March 1946, in connexion with the Iranian question, in putting an Egyptian proposal to the vote,<sup>123</sup> the President (China) stated:

"I understand that, since this is a purely procedural question, a decision can be taken even in the absence of the USSR representative. If that interpretation is correct, then we shall proceed with the voting."

There were no objections.<sup>124</sup>

## CASE 201

At the 32nd meeting on 15 April 1946, in connexion with the Iranian question, the representative of the Netherlands replied to the contention of the representative of the USSR that the resolution of 4 April 1946 was "incorrect and illegal" because both parties had not been heard. He stated:

"If, as in this case, a party does not avail itself of the opportunity to be heard, this does not preclude the Council from taking a decision in matters where the vote of the Member in question is not absolutely required. The veto right of the great Powers is a limited right and therefore cannot be extended beyond the terms of the Charter by the great Power which is a party to a question before the Council, simply by absenting itself from the Council's deliberations."<sup>125</sup>

## CASE 202

At the 40th meeting on 8 May 1946, in connexion with the Iranian question, the Council considered the effect of the absence of the representative of the USSR on the voting procedure, with special reference to the vote taken at that meeting.<sup>126</sup> The representative of Australia stated:

"It seems to us that if a member refuses to participate, or fails to participate, in the work of this Council, then for the time being he abandons the special powers which accrue to him as a member, and has no powers greater than those of any other Member of the United Nations.

"The Australian delegation does not admit that the absence of a member affects the voting procedure."

The representative of the United Kingdom referred to the "important points" discussed by the representative of Australia. He stated:

"... I believe we have no rule relating to a necessary quorum, unless you could infer something from the voting rule which requires that any actual res-

olution or decision requires an affirmative vote of at least seven members.

"... as regards the effect of absence upon the action of the Council or upon the voting, I cannot see that there is really any difference between absence from this table or presence at the table and abstention from a vote. It seems to me that the general effect is the same. There is a difference in some ways; that is to say, the absence certainly does imply some sort of evasion of responsibility or obligations, and may in some cases reduce the authority of the Council, but I cannot see that it has any actual effect upon the ability of the Council to take a decision, any more than has sitting in a chair and abstaining from voting."

The representative of the Netherlands discussed the nature of the matter before the Council, and stated:

"... in spite of the absence of the representative of the USSR we could legitimately adopt this resolution because it is clearly a matter of procedure, so that the affirmative vote of seven members, whether permanent or not, is sufficient."

As regards the general problem, he stated:<sup>127</sup>

"It cannot be the intention of the Charter to give to any member of the Council, whether permanent or not, the power to prevent a resolution from being adopted by the simple expedient of absenting himself."

## CASE 203

At the 462nd meeting on 17 January 1950, in connexion with the work of the Commission for Conventional Armaments, the representative of Yugoslavia stated that the absence of the representative of the USSR was one of the factors which had influenced his decision not to vote. The representative of the United States replied:<sup>128</sup>

"... the absence of a permanent member from the table... is an absence volunteered by the representative himself which, I think, the Council has clearly indicated it will not take as a deterrent to its proceeding in an orderly manner with its business."

## CASE 204

The question of the effect of the absence of a permanent member on the voting procedure of the Council was considered again, commencing in June 1950, in connexion with the complaint of aggression upon the Republic of Korea. The discussion regarding the validity of the decisions taken had two related aspects; first, the alleged absence of the legal representative of China, and second, the refusal of the representative of the USSR to participate in meetings of the Council until 1 August 1950.

By cablegram dated 29 June 1950<sup>129</sup> and by statements made by the representative of the USSR in the Council after 1 August 1950, the USSR contended that the action taken with regard to the complaint of aggression upon the Republic of Korea had no legal force. At the 480th meeting on 1 August 1950, the

<sup>121</sup> S/1588, same as S/1587, *G.A.O.R.*, 5th session, *Suppl.* No. 2, p. 25.

<sup>122</sup> 476th meeting: p. 8. See Case 204.

<sup>123</sup> See Case 190.

<sup>124</sup> 27th meeting: p. 60.

<sup>125</sup> 32nd meeting: p. 128.

<sup>126</sup> See Case 192.

<sup>127</sup> For texts of relevant statements see:

40th meeting: Australia, p. 249; Netherlands, p. 252; United Kingdom, p. 251.

<sup>128</sup> For texts of relevant statements see:

462nd meeting: United States, p. 10; Yugoslavia, pp. 7-8.

<sup>129</sup> S/1517, *O.R.*, 5th year, *Suppl. for June, July and August 1950*, pp. 29-30.

President, speaking as the representative of the USSR, stated:

"The Security Council is not the Security Council when it fails to act in strict conformity with the Charter and, in particular, with Article 27 of the Charter; when it acts in the absence of two of the five permanent members of the Security Council whose participation and unanimity are an essential prerequisite for the legality of the Council's decisions."

As regards the effect of the absence of the representative of the USSR, the representative of France, at the 475th meeting on 30 June 1950, discussed the cablegram from the Deputy Minister for Foreign Affairs of the USSR dated 29 June 1950. He stated:

"... the delegation of the Soviet Union, by abandoning the Council, has abandoned the Charter. When it returns to the one and to the other, it will find again its right of speech, of criticism, of vote and of veto. So long as it has not done so, the USSR Government has no legal or moral basis for contesting the action of the United Nations."

The representative of Cuba observed at the 476th meeting on 7 July 1950:

"... it is an established practice in the Council, and one that the USSR has accepted on many occasions, that the abstention of a permanent member from participation in decisions of the Council does not constitute a veto."

In reply to the statements made by the representative of the USSR after his return to the Council, the representative of the United Kingdom, at the 486th meeting on 11 August 1950, stated:

"Valid though I myself believe the theory of great Power unity to be—in the sense that the United Nations can... only proceed in the long run on the basis of unanimity—I cannot conceive that any rational being would admit that the theory ought to be abused in such a way as this..."

By cablegram dated 29 June 1950, the Deputy Minister for Foreign Affairs of the USSR stated:<sup>130</sup>

"The Soviet Union Government notes that this resolution (S/1511 - 27 June 1950) was adopted by

<sup>130</sup> S/1517, O.R., 5th year, Suppl. for June, July and August 1950, pp. 29-30.

six votes, the seventh vote being that of the Kuomintang representative... who has no legal right to represent China, whereas the United Nations Charter requires that a Security Council resolution must be adopted by seven votes including those of the five permanent members of the Council..."

At the 486th meeting on 11 August 1950, the representative of the United Kingdom contended that the resolutions regarding Korea had been adopted unanimously by the representatives of the permanent members present at the meetings during the months of June and July 1950. He also stated:

"Nor can the fact that one of these permanent members represents a Government not recognized by a minority of members of the Security Council affect the issue at all. This point can only be decided by a majority; and if this is disputed—as it is disputed—it is difficult to see how the Security Council can function. For how can it decide anything, except by a process of voting?"

At the 487th meeting on 14 August 1950, the representative of France stated:<sup>131</sup>

"It is no use telling us that one or other of the decisions taken on 25 June is irregular because it was taken in the absence of two permanent members of the Council... the Soviet Union representative, in supplying the President with this argument, is being self-contradictory. He himself is asking us to take certain urgent decisions. But from his own point of view, in accordance with his own argument, one of the permanent members of the Council is not represented here: then is what was false yesterday true today?"

<sup>131</sup> For texts of relevant statements see:

475th meeting: China, p. 15; France, pp. 7-8.

476th meeting: Cuba, p. 7.

480th meeting: President (USSR), pp. 15-16, 20.

482nd meeting: President (USSR), pp. 4, 8, 17.

486th meeting: President (USSR), p. 22; United Kingdom, pp. 6-7.

487th meeting: France, pp. 11-12; Norway, p. 8.

488th meeting: Cuba, p. 3.

494th meeting: France, p. 20.

519th meeting: USSR, p. 4.

523rd meeting: USSR, pp. 20-21, 22, 24.

526th meeting: United States, p. 16.

528th meeting: USSR, p. 20.

530th meeting: People's Republic of China, p. 19.

531st meeting: USSR, p. 9.